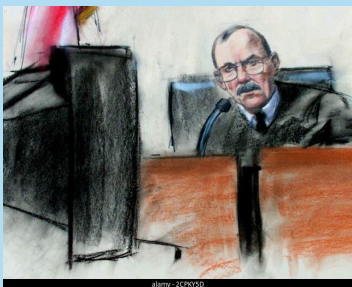


PRO BONO PANEL PERIODICAL

Spring 2023 SPECIAL EDITION

The primary focus of this issue of the Panel Periodical is to reacquaint Panel members with Ashley Sheehan, U.S. District Court Paralegal, who will now serve as the Civil Pro Bono Panel Administrator; and to allow Edward Butler, U.S. District Court Legal Officer, to say thank you and farewell to the Civil Pro Bono Panel lawyers and law firms. Ed and Ashley also wish to remind all Panel lawyers of several key features and resources available to Panel members, covered in pages 2 – 7. We hope this special Panel Periodical provides relevant and helpful information to Panel Members.

First, a moment recalling an observation made by one of the District of Colorado’s most respected and esteemed judges – **Judge Richard P. Matsch** – on how the law and bedrock constitutional principles are not static – this from **a prison litigation case involving pro bono counsel** – demonstrating that pro bono representation can truly be impactful:



“To establish their claims of violations of the Eighth Amendment plaintiffs must prove by a preponderance of the evidence that they were subjected to “cruel and unusual punishment.” At the time of ratification of the Eighth Amendment in 1791, physical punishments which now would be considered inhumane were common. The uncertainty as to what may be deemed cruel and unusual punishment was expressed by the Supreme Court in *Weems v. United States*, 217 U.S. 349 (1910) and in *Tropp v. Dulles*, 356 U.S. 86 (1957). Chief Justice Warren, citing *Weems*, coined the phrase that has been often cited by the Court in subsequent opinions: **“The Amendment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society.”**

Order Approving Settlement, *Cunningham, et al. v. Fed. Bureau of Prisons*, 12-cv-01570-RPM-MEH, 12/29/16

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Ashley Sheehan, U.S. District Court Paralegal and Civil Pro Bono Panel Administrator

Ashley serves as the Attorney Services Division's paralegal, assisting Legal Specialist Mark Fredrickson in such areas as pro bono appointment of counsel, bills of costs hearings, local rule and pro se litigation committee work, and attorney admissions, discipline, and related services.

Ashley has a B.A. in Political Science from Southern Illinois University - Carbondale and also studied in Canterbury, England at Canterbury Christ Church University. Prior to her service with the U.S. District Court, she spent the previous four years in civil litigation as a Legal Secretary/Paralegal in Denver.

She is excited to continue working with all the Civil Pro Bono Panel members, the oversight Standing Committee on Pro Se Litigation, and the Faculty of Federal Advocates in the new era of the Civil Pro Bono Panel.



U.S. District Court Civil Pro Bono Program Resources

The District of Colorado's website provides a number of forms, handbooks, instructions, case law resources, and an actual library of subject matter-related materials. Those resources are listed below.

Civil Pro Bono Panel - Details, and Available Cases

PERMANENT PROGRAM FOR COURT APPOINTMENT OF PRO BONO COUNSEL

ANNOUNCEMENT - THE FEDERAL COURT PRISON LITIGATION HANDBOOK IS NOW AVAILABLE FOR ALL ATTORNEYS INTERESTED IN REPRESENTING INCARCERATED LITIGANTS

Application for Attorneys to Join the Civil Pro Bono Panel and Sample Motions:

- Download Civil Pro Bono Application
- Download Local Rule LAttyR 15 - Civil Pro Bono Representation
- Download Civil Pro Bono Panel Description
- Download Attorney Motion for Panel Appointment
- Link to Other Civil Pro Bono Panel Attorney Forms
- Civil Pro Bono Panel Appointment Procedures (PowerPoint)

Handbooks, Instructions, and Guides:

- Download Federal Court Prison Litigation Handbook for Attorneys
- Download Limited Representation Guide

"Panel Periodical" Newsletters:

- Download Spring 2019 Civil Pro Bono Panel "Panel Periodical" Newsletter
- Download Winter 2019 Civil Pro Bono Panel "Panel Periodical" Newsletter
- Download Spring 2018 Civil Pro Bono Panel "Panel Periodical" Newsletter

❖ **Civil Pro Bono Panel page**
(<http://www.cod.uscourts.gov/AttorneyInformation/CivilProBonoPanel-Details,AndAvailableCases.aspx>):

The Civil Pro Bono Panel page includes the following:

- **Local Rule LAttyR 15 - Civil Pro Bono Representation** (the source of the appointments procedure)(and an accompanying PowerPoint that maps out the appointment process and program benefits)
- The **Federal Court Prison Litigation Handbook** (authored by prison litigation practitioners who are all members of the Civil Pro Bono Panel)
- The **Limited Representation Guide** (a "How-To"

Instruction Packet About Limited Representation)

- The Civil Pro Bono Application form
- Relevant forms, sample motions, and information regarding Panel membership
- The Panel Periodical Newsletters – includes “Featured Attorney Insights” (practitioners’ perspectives on featured cases), and “Recent Tenth Circuit Cases” (relevant subject matter and procedural case law for pro bono cases by Nora Passamaneck, Leah Fugere, and Aretha Frazier (WilmerHale LLP) [Fall/Winter 2022-23, Spring 2022 Editions]
- Pro Bono Panel Annual Reports and Recognition of Volunteer Attorneys
- Cases available to any attorneys for Pro Bono Representation (this list is separate from the list provided to Civil Pro Bono Panel members in the “Monthly Available Case” broadcast e-mail).

❖ U.S. District Court Forms page

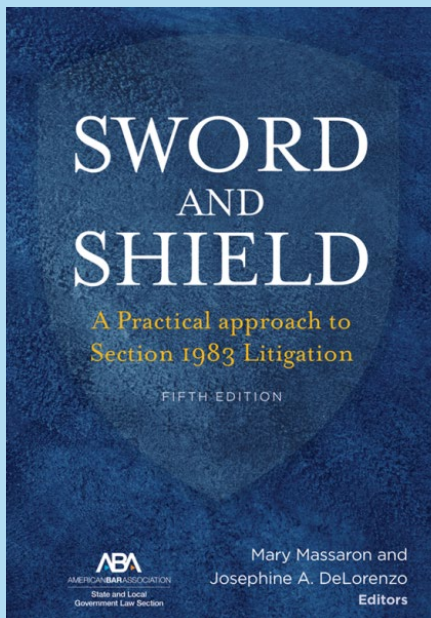
(<http://www.cod.uscourts.gov/CourtOperations/RulesProcedures/Forms.aspx>):

- A section of the Forms page is reserved for Civil Pro Bono Panel matters:
- Application for Civil Pro Bono Panel (for use by attorneys to join the Panel)
 - Attorney Motion for Panel Appointment
 - Notice Declining Pro Bono Appointment (for use by attorneys who are Panel members)
 - Sample Motion for Leave to Provide Limited Scope Representation (for use by attorneys)
 - Sample Motion for Leave to Withdraw from Limited Scope Representation (for use by attorneys)
 - Civil Action Entry of Appearance
 - Civil Action Entry of Appearance To Provide Limited Representation
 - Sample Motion for Appointment of Pro Bono Counsel (for use by non-prisoner pro se parties/includes limited representation request)

Forms and Instructions “(PDF)*” indicates a fillable PDF form

- [Appeal Proceedings](#)
- [Attorney/Law Student](#)
- [Civil](#)
- [Civil Pro Bono](#)
- [Copies](#)
- [Criminal](#)
- [Fees/Finance](#)
- [Prisoner/Detainee](#)
- [Self Representation \(Pro Se\)](#)
- If you experience problems with a form, please [let us know](#).

Other U.S. District Court Resources:



❖ The U.S. District Court Pro Bono Resource Library:

- The Civil Pro Bono Panel now has a “Pro Bono Resource Library” that allows Panel members who would like to brush up on a topic to visit the Pro Bono Resource Library in person and physically check out one of the treatises on common pro bono case topics.
- Under the copyright doctrine of “First Sale,” these items are available for distribution from the clerk’s office on the first floor of the Arraj Courthouse since they are available physically.
- The location is on the **first floor, Arraj U.S. Courthouse**. **Ask for Ashley**, once you know which title you’re interested in (a full **list of holdings** is available at the counter of the Intake section of the clerk’s office). Any book donations from Panel members are welcome, of course. Below are the titles available:

The Practitioner's Guide to
**COLORADO
EMPLOYMENT LAW**

THIRD EDITION

VOLUME 1



SEAN R. GALLAGHER
KATHRYN E. MILLER
JESSICA BROWN
Managing Editors

Supplemented
• January 2018 •
• January 2020 •

- **The Practitioner's Guide to Colorado Employment Law**, Third Edition – CBA/CLE
- **Sword and Shield: A Practical Approach to Section 1983 Litigation**, Fifth Ed., ABA
- **Deadly Force Script: How the Police in America Defend the use of Excessive Force**, ABA
- **The Hague Abduction Convention: Practical Issues and Procedures for Family Lawyers**, Third Ed., ABA
- **Jailhouse Lawyers Handbook 2021**, Center for Constitutional Rights/Nat'l Lawyers Guild
- District of Colorado's **Federal Court Prison Litigation Handbook Section 1983 Litigation**, Third Edition – by the Federal Judicial Center of the United States Courts
- Links to the **Federal Judicial Center's Publication Catalog** at [FJC.gov](https://www.fjc.gov), includes videos, case commentaries, etc.

❖ **U.S. District Court Pro Bono Mediation Panel:**

For cases where pro bono counsel are appointed and accept representation, pro bono *mediation* is available for both non-prisoner and prisoner Panel cases. Co-chairs of the **Civil Pro Bono Mediation Panel** (**Jane Michaels** of **Holland & Hart** and **Kate Craigmile** of **JAMS**) administer the Mediation Panel (comprised of experienced and expert mediators from law firms and organizations like JAMS and JAG.) and reach out to the Panel after being contacted by clerk's office staff when Panel lawyers indicate that a case appears suitable for mediation. The U.S. District Court thanks all the pro bono mediators who have agreed to accept such cases, and also thanks to **Magistrate Judge Michael E. Hegarty**, who has offered his insights and agreed to shepherd the volunteer mediators.

- There is **no charge** for mediation, and the Court and the mediators are flexible as to schedules, locations, and availability.
- If you have a current Pro Bono Panel case, prisoner or non-prisoner, and believe the case is ripe for mediation, please contact **Ashley Sheehan** at the U.S. District court:
cod_attorneyservices@cod.uscourts.gov.

D.C.COLO.LCivR 16.6

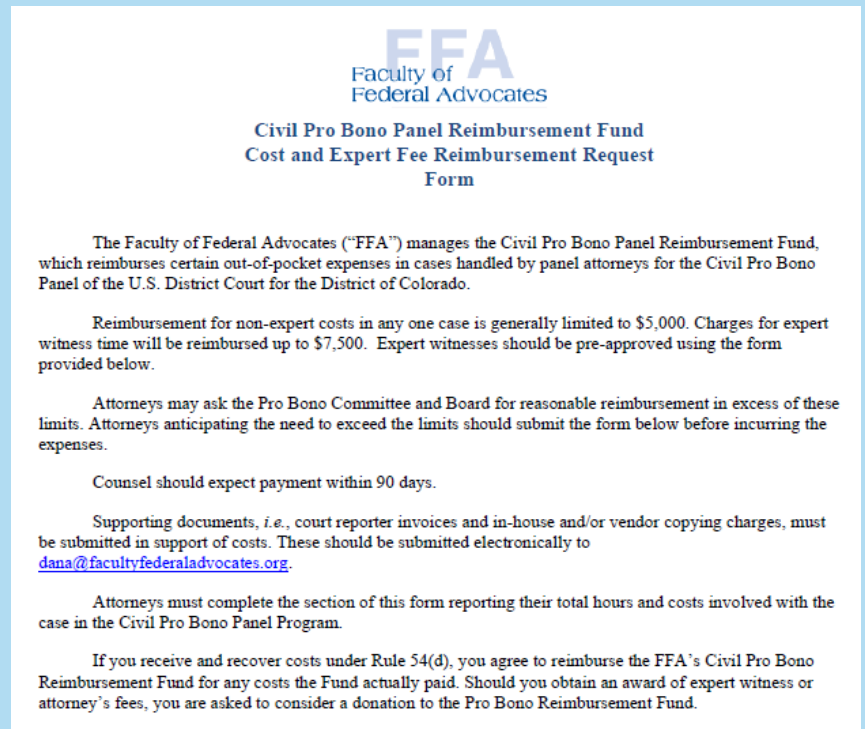
ALTERNATIVE DISPUTE RESOLUTION

(a) Alternative Dispute Resolution. Under 28 U.S.C. § 652, all litigants in civil actions shall consider the use of an alternative dispute resolution process. A district judge or a magistrate judge exercising consent jurisdiction may direct the parties to engage in an early neutral evaluation **or other alternative dispute resolution proceeding**. To facilitate settlement or resolution of the suit, the district judge or a magistrate judge exercising consent jurisdiction may stay the action in whole or in part during a time certain or until further order. Relief from an order under this rule may be requested by motion showing good cause.

Faculty of Federal Advocates and Their Resources

The **Faculty of Federal Advocates (FFA)** is the Civil Pro Bono Panel program's bar organization partner per **Local Attorney Rule 15(i) - Reimbursement of Litigation Expenses from the Reimbursement Fund**. Besides managing the reimbursement of costs incurred by lawyers who accept Panel cases, the FFA provides periodic training CLE seminars and makes past CLE handouts and video recordings of seminars available on their website. Please visit two pages on the FFA website:

- ❖ **Pro Bono Programs page** (<https://www.facultyfederaladvocates.org/Pro-Bono-Programs>):
 - **Civil Pro Bono Panel Reimbursement Fund /Pro Bono Committee** section – includes important instructions and handouts, including the **FFA Civil Pro Bono Reimbursement Form** and the **Colorado Court Reporters Association Pro Bono Guidelines**.
 - **Federal Court Prison Litigation Handbook** – A project of the **Standing Committee on Pro Se Litigation**, the Prison Litigation Handbook provides procedural and substantive information for pro bono attorneys representing incarcerated people in civil actions in the District of Colorado.
 - **2021 Recognition of Pro Bono Panel Participants**
A list of attorneys who took cases through the U.S. District Court's Pro Bono Panel. Note: see also the U.S. District Court's Civil Pro Bono Panel Annual Reports – each has a section recognizing and thanking the volunteer attorneys who accepted cases each year.
 - **U.S. District Court Civil Pro Bono Panel 2022 Annual Report**
The 2022 Annual Report of the Civil Pro Bono Panel is available for the court's, the bar's, and the public's review.
 - **Video and Handouts of "Representing Pro Bono Clients in Federal Court - Part 1"**
This CLE was presented by knowledgeable speakers who handle civil rights and employment law cases through the U.S. District Court's Civil Pro Bono Panel. A link to the video of the program is available on the FFA Pro Bono Programs page. The handouts to the Civil Rights/Employment Law presentation are also available on the FFA Pro Bono Programs page.



The screenshot displays the title page of a reimbursement form. At the top, the FFA logo is shown with the text 'Faculty of Federal Advocates' and 'Civil Pro Bono Panel Reimbursement Fund Cost and Expert Fee Reimbursement Request Form'. The body of the page contains the following text: 'The Faculty of Federal Advocates ("FFA") manages the Civil Pro Bono Panel Reimbursement Fund, which reimburses certain out-of-pocket expenses in cases handled by panel attorneys for the Civil Pro Bono Panel of the U.S. District Court for the District of Colorado.' It then states: 'Reimbursement for non-expert costs in any one case is generally limited to \$5,000. Charges for expert witness time will be reimbursed up to \$7,500. Expert witnesses should be pre-approved using the form provided below.' Further down, it says: 'Attorneys may ask the Pro Bono Committee and Board for reasonable reimbursement in excess of these limits. Attorneys anticipating the need to exceed the limits should submit the form below before incurring the expenses.' It also notes: 'Counsel should expect payment within 90 days.' The next section reads: 'Supporting documents, i.e., court reporter invoices and in-house and/or vendor copying charges, must be submitted in support of costs. These should be submitted electronically to dana@facultyfederaladvocates.org.' The following paragraph states: 'Attorneys must complete the section of this form reporting their total hours and costs involved with the case in the Civil Pro Bono Panel Program.' The final paragraph says: 'If you receive and recover costs under Rule 54(d), you agree to reimburse the FFA's Civil Pro Bono Reimbursement Fund for any costs the Fund actually paid. Should you obtain an award of expert witness or attorney's fees, you are asked to consider a donation to the Pro Bono Reimbursement Fund.'

- **Video & Handouts of "Representing Pro Bono Clients in Federal Court-Prisoner Issues - Part I & II"**
This CLE was presented on **Dec. 8, 2022** by knowledgeable speakers who handle cases on behalf of prisoners through the U.S. District Court's Civil Pro Bono Panel. Links to videos of Parts 1 and 2 of the program are available on the FFA Pro Bono Programs page. The handouts to the Prison litigation are also available on the FFA Pro Bono Programs page.

- **Video of "In the Trenches with the Pro Bono Panel: How to Litigate a Pro Se Plaintiff's Section 1983 Claim From Appointment to Verdict"**

This CLE was presented by **Magistrate Judge Kristen Mix, Kevin Homiak of Wheeler Trigg O'Donnell, Andrew Ringel of Hall & Evans** and **court staff** on **January 28, 2021**. A videorecording of the seminar is available of this information-packed program about handling a case through the U.S. District Court Civil Pro Bono Panel. The seminar **Powerpoint** is also available on the Pro Bono Programs page.

- **Bankruptcy Pro Bono Program**

The Faculty of Federal Advocates Bankruptcy Pro Bono Program provides pro bono legal services to qualified, indigent debtor/defendants in adversary proceedings brought exclusively under 11 U.S.C. §§ 523 and 727 of the Bankruptcy Code.

❖ Pro Bono-related CLE programs on the "Events" page

A great additional resource for pro bono practitioners is the **"Events"** page on the FFA website (<https://www.facultyfederaladvocates.org/Events>), as well as the **"Event Announcements And Handouts Prior To March 30, 2019"** (<https://www.facultyfederaladvocates.org/Past-Events>) page with older listings. These two pages provide links to all the FFA CLE programs – which usually also include links to the written handouts – many of which are pro bono-practitioner oriented, including training seminars, recognition events, and "Pro Bono Work to Empower Act" programs focusing on domestic violence prevention and victim assistance opportunities. Of particular interest are U.S. Magistrate Judge Hegarty's annual [Year in Perspective: Analysis of the Business of the Federal District Court](#) presentations, that provide data on such topics as party success rates, jury verdict awards broken down by subject matter and judicial officers, nature of claims that go to trial, success rates, etc.

PAST EVENTS

Monday, April 03, 2023	• Roadways to the Bench: Who Me? A Bankruptcy or Magistrate Judge?
Thursday, March 30, 2023	• How to Maximize Your Opportunity For Successful Settlement Conferences
Thursday, February 23, 2023	• Effective Advocacy in Federal Court: Tips From the Law Clerk Perspective
Wednesday, February 15, 2023	• Improve Client Relationships with Motivational Interviewing
Monday, February 13, 2023	• The New Uniform Practice Standards: How Four District Court Judges Came Together to Adopt Unified Standards
Thursday, January 19, 2023	• Outsmart Your Unconscious Biases – To Make Better Decisions in Client Matters and the Workplace
Wednesday, January 18, 2023	• PROGRAM POSTPONED DUE TO WEATHER: The New Uniform Practice Standards: How Four District Court Judges Came Together to Adopt Unified Standards
Wednesday, December 14, 2022	• FFA Virtual Reception Recognizing USDC Civil Pro Bono Panel and FFA Annual Meeting
Friday, December 09, 2022	• Representing Pro Bono Prisoner Clients in Federal Court (Part 2)
Tuesday, December 06, 2022	• Changing Notions of Consent in Sexual Assault Cases
Thursday, November 17, 2022	• Federal Arbitration: What You Need to Know
Thursday, November 10, 2022	• Lawyers Who Think: Ethics and Conduct in Federal Practice
Thursday, October 20, 2022	• The ABCs of Courtroom Technology & Etiquette
Friday, October 14, 2022	• 2022 Federal Bench-Bar Roundtable
Thursday, September 29, 2022	• Trials Done Right: It's (Mostly) Not About the Judge
Wednesday, September 21, 2022	• 2021 in Perspective: Analysis of the Business of the Federal District Court
Thursday, September 15, 2022	• WEBINAR: Legal Malpractice and Lawyer Discipline – How to Prevent Yourself from Being Before the Committee on Conduct or Being Sued
Wednesday, September 07, 2022	• Pro Bono Work to Empower and Represent Act - The Denver Indian Center and Southwest Colorado Focus
Tuesday, August 30, 2022	• The Perils & Pitfalls of Wearing Two Hats
Wednesday, August 17, 2022	• The Psychology of Lawyering
Tuesday, August 02, 2022	• NOW WEBINAR ONLY - Pathways to the Federal Bench: The View from the Senators' Judicial Selection Advisory Committee
Friday, July 22, 2022	• ONLINE ONLY - Representing Pro Bono Clients in Federal Court (Part 1)

Continuum of Pro Bono Programs

The following summary of the FFA's March 1, 2022 CLE on the related pro bono opportunities in the U.S. District Court, Reprinted in part from the FFA *Spring/Summer 2022 Newsletter*, provides an excellent reminder of the variety of opportunities federal trial court practitioner have available.

How Can I Get Federal Court Experience AND Fulfill Pro Bono Obligations?

By Edward Butler, Jane Andrews, Matt Skeen, Alan Schindler, and Danae Woody

The FFA held a webinar CLE on Tuesday, March 1, 2022, with representatives from the Civil Pro Bono Panel, the Federal Pro Se Clinic—which now includes the new Bankruptcy Court Federal Pro Se Clinic – and the Federal Limited Appearance Program for a lunchtime presentation on pro bono opportunities at the United States District Court. The three programs offer distinct approaches to providing full scale or limited pro bono representation for pro se parties, and each program can fit an individual attorney's or law firm's level of availability. Since many firms have a 50-hour pro bono policy, getting involved with any or all of the three pro bono programs is a great way to serve the community and get some experience with the federal court system.

The **Federal Pro Se Clinic ("FPSC")** operates pursuant to a grant given to the Colorado Bar Association ("CBA") to operate the Court's Federal Pro Se Assistance Project. The funds to support the grant are provided by the biennial assessment on all attorneys admitted to practice before the District of Colorado.

The FPSC initially began its operations as a pilot program in 2018, and currently operates pursuant to a formal agreement between the district court and the CBA since 2020. The FPSC provides limited scope civil matter assistance to pro se individual parties in both the U.S. District Court and U.S. Bankruptcy Court. The Clinic office is located at Alfred A. Arraj Courthouse (901 19th Street) and has recently opened offices at the U.S. Bankruptcy Court, located in the Customs House (721 19th Street) to accommodate bankruptcy clients. The Clinic location at the Arraj Courthouse is open 9 am to 5 pm,

Monday through Friday. The Bankruptcy Court operates on more limited hours, as discussed below.

The limited scope assistance provided by the FPSC includes advice about court procedure and rules, drafting pleadings, discovery and motions. The Clinic does not, however, undertake factual investigation of claims, conduct legal research for litigants, or draft or "ghost-write" pleadings or briefs. The litigants enter into a written

The Federal Pro Se Clinic

- Provides limited scope civil matter legal assistance to non-prisoner pro se parties in U.S. District Court
- Part of Court's Limited Scope Representation initiative; partnership between CBA and Court
- Open 9am-5pm, Monday through Friday; located at Alfred A. Arraj Courthouse (901 19th Street) but Clinic is working remotely right now (via phone and Zoom)



agreement with the Clinic consenting to the limited scope of the Clinic's representation. The Clinic also does not represent pro se litigants in Court, mediation or status and other non-dispositive conferences, although it routinely refers litigants to the services available through the Federal Limited Appearance Program ("FLAP") for such appearances. The vast majority of cases handled by the FPSC involve either federal employment claims or civil rights claims, although—since federal jurisdiction can attach on grounds of diversity of citizenship as well—the actual mix of legal issues can be varied.

Volunteers are critical to the Clinic's operations. Volunteering at the Clinic is an excellent way to hone one's skills with federal court claims and procedures. Shifts generally involve one or two 45-minute appointments per month. Originally implemented due to Covid-19 guidelines, most appointments are now conducted by telephone—an innovation seemingly preferred by both litigants and volunteers as it minimizes the time commitment involved with appointments, as well as the expense of travel to downtown Denver. Telephone conferences are an added benefit for litigants located in other parts of Colorado, as the Clinic services the entirety of the state.

Volunteers are provided with conflict-check information initially. Once conflicts are cleared, the FPSC forwards a case summary, including background information, as well as a copy of the docket sheet along with credentials for free access to PACER should the volunteer need to review additional documents from the docket sheet. In 2021, the Clinic has conducted over 500 appointments with pro se litigants, a testament to the services it provides to both litigants and volunteers.

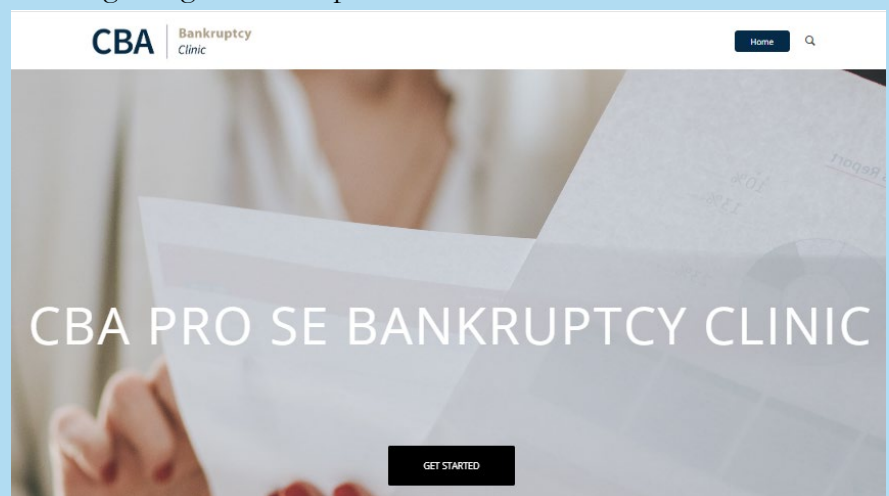
Similar to the Civil Pro Bono Panel, malpractice insurance with Clinic volunteering is provided by the CBA in connection with the litigant appointments. Also, just as with Pro Bono Panel volunteering and FLAP described below, up to nine credit hours (in every three-year compliance period) is available as CLE credit for advising pro se litigants with one CLE hour per five hours of pro bono, including prep time.

For more information on FPSC volunteer opportunities, **please reach out to Harold "Hal" Baker, Managing Attorney, 303.380.8786, e-mail hbaker@cobar.org.**

* * *

Matthew Skeen Jr., Program Attorney for the recently established **Federal Pro Se Bankruptcy Clinic**, also participated in the CLE. A sub-program of the FPSC, the Bankruptcy Clinic assists unrepresented parties in determining whether bankruptcy may be a good option for their debt problems, educates them about the process and potential adverse consequences of filing a bankruptcy petition, and answers questions regarding a debtor's petition and schedules. The Bankruptcy Clinic provides general information and advice to debtors, creditors, and other interested parties regarding bankruptcy issues.

The average person has a lot of misconceptions about bankruptcy which can lead to problems for people without access to competent legal advice. Although most Chapter 7 cases in Colorado are filed by attorneys, a significant



number of bankruptcy cases, (between six and ten percent, varying month to month) are filed pro se. Since starting the Bankruptcy Clinic, the CBA has reached about a third of the pro se filers and provided them with valuable bankruptcy advice so that their case is more likely to proceed without issues or surprises. As with the FPSC, the clinic's services are extremely limited in scope and essentially consist of a one-hour consultation to answer questions and give advice. The clinic is currently in search of volunteers who could dedicate as little as one hour a month to helping people. Bankruptcy experience is preferred. To learn more about the clinic **please contact Matt Skeen at mskeen@cobar.org**.

* * *

Attorney Alan Schindler, former member of the Colorado Bar Association-Young Lawyer's Division and founding member of the FLAP Board, spoke next about the **Federal Limited Appearance Program ("FLAP")**. Also appearing with Alan was FLAP Board member Danae Woody. FLAP operates under the umbrella of the Civil Pro Bono Panel and enjoys many of the same benefits of the Civil Pro Bono Panel, including malpractice insurance provided by the FFA, and CLE credit for volunteer time.

The goals of the FLAP program are threefold:

- 1) providing access to justice for pro se litigants by filling the gap between the full-scale representation offered by the Civil Pro Bono Panel and the out-of-court limited representation offered by the FPSC;
- 2) saving judicial resources by facilitating non-dispositive hearings so that they generally run smoothly; and
- 3) offering young or inexperienced lawyers the opportunity to gain in-court experience in a low risk, non-dispositive setting.

The features and benefits of the program are as follows:

Representative FLAP Matters

- Rule 16 Scheduling Conferences
- Status Conferences
- Discovery Hearings
- Settlement Conferences



CBA
Colorado Bar Association

- Individual attorneys or law firms may join the FLAP panel;
- Volunteer attorneys can assist pro-se litigants with in-court (or virtual), non-dispositive hearings, including scheduling conferences; status conferences; and discovery disputes.
- FLAP offers volunteer attorneys who do not have the time or resources to devote towards an entire case to instead handle a discrete task, without any further commitment.

- Volunteer attorneys available and interested in a more substantial time commitment can volunteer to handle settlement conferences before the District of Colorado's magistrate judges,

since there is more preparation time, confidential settlement statement drafting, and more detailed client communications.

- FLAP provides volunteer attorneys with all the forms necessary to complete the FLAP representation, including a blank Motion for Panel Appointment, Entry of Limited Appearance, and Motion to Withdraw, all formatted as Word documents.

- FLAP provides its volunteers with a free PACER login and password to be used when preparing for and handling a FLAP assignment.

- FLAP works hand in hand with the FPSC, so volunteers are encouraged to direct pro se litigants to the FPSC if they have questions or wish to seek advice outside the scope of the FLAP limited engagement.

Procedure of a FLAP Representation

- Step 1: Conflicts Check
- Step 2: Initial Client Call
- Step 3: Determine Scope/Complete limited scope engagement agreement with Client
- Step 4: File motion for limited scope representation and entry of appearance
- Step 5: Review necessary background materials
- Step 6: Appear at hearing
- Step 7: File Motion to Withdraw (oral or written)

CBA[®]
Colorado Bar Association

For more information about FLAP, please reach out to **FLAP Coordinator Jess Ham** at jham@cobar.org, 303-824-5311; or visit the **FLAP webpage** at www.cobar.org/For-Members/Young-Lawyers.

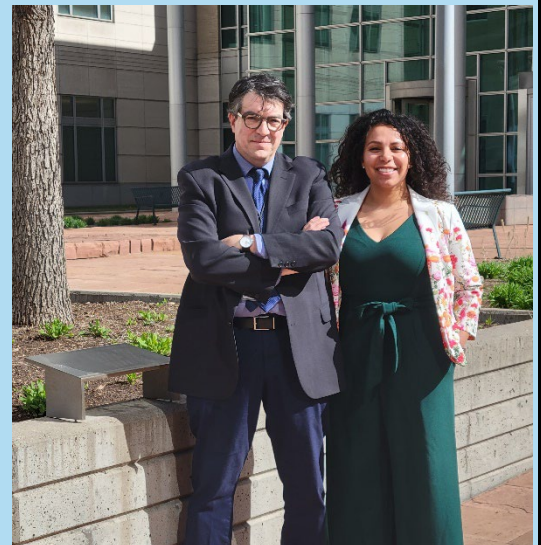
Thank You from Edward Butler

[The opinions in this section are mine, and do not represent the opinions or policy statements of the court.]

After 24 years with the federal government, the majority of which were with the federal courts and specifically in the District of Colorado – and after fifteen years as the District of Colorado’s Legal Officer – this will be my last Panel Periodical contribution. As of May 1 2023, I will be a “civilian” again, in the sense that I have opted to take a voluntary early retirement from the federal government. The following pages are a long-winded way of expressing my gratitude to all the pro bono attorneys who assisted pro se clients through either the FFA Counsel/Co-counsel program or the Civil Pro Bono Panel program.

❖ Early Pro Bono Awareness

Even before I accepted the Legal Officer role, I became aware of the critical contribution pro bono counsel made for pro se parties and the court while serving as a courtroom deputy clerk in this district.. Attorney – now Colorado Court of Appeals judge – **Timothy Schutz** represented **Mr. Wa'il Mansur Muhannad** in a *Bivens* and FTCA case against a **Federal Bureau of Prisons** official and the Government. Mr. Muhannad asserted allegations about the practices of the “Cowboys” – renegade correctional officers – and Mr. Schutz zealously advocated for him



and brought the *Bivens* claims to a five-day jury trial. Mr. Schutz’s passion and single-handed trial efforts, and Mr. Muhannad’s corresponding gratitude, opened my eyes about the importance and urgency of pro bono litigation. (Also noteworthy but typical of prison litigation – **\$1700 in costs** were awarded against Mr. Muhannad after judgment was entered against him; it took almost **eight years** for a Satisfaction of “Judgment” to be filed releasing liens against him for pursuing the litigation). Though the jury found the individual officer and the Government not at fault, Mr. Muhannad’s claims survived dispositive motions and were brought before a jury of his peers in a true exemplar of constitutional actions at work.

❖ USDC & FFA Counsel/Co-counsel Program

Another eye-opener for me as a courtroom deputy clerk was observing former **Chief Deputy Clerk Stephen P. Ehrlich** and his tremendous efforts in securing pro bono counsel as part of the **Counsel/Co-counsel program** of the court and the FFA. Steve was tasked by the court with recruiting, cold-calling, arm-twisting, and overall “salesmanship” in placing cases with pro bono counsel, over and over again. A cadre of dedicated and principled pro bono practitioners who accepted the entire gamut of causes of action repeatedly served as pro bono counsel, despite maintaining their busy caseloads and commercial practices. Some of the standouts of the Counsel/Co-counsel program who come to mind include:

• The late John Philips	• Jim Chalat
• William Meyer	• Brad Levin
• Paula Greisen	• The late George Meyer
• Diane King	• Elisabeth Owen
• Laura Rovner, Dan Manville and the DU Civil Rights Clinic	• David Tenner
• Ed Ramey	• Dave Steefel
• Teresa Abbott	• Dale Gaar
• Joel Cantrick	• Bob Troyer
• Natalie Hanlon-Leh	• Dennis Hartley
	• Tamera Westerberg

Dear Chief Judge Daniel and Mr. Langham:

I am writing to confirm the support of the Faculty of Federal Advocates (FFA) for the new proposed Federal Civil Pro Bono Program. The FFA is excited about this new proposed program and fully committed to supporting the Civil Pro Bono Program by providing education programs, recruiting volunteers and assisting with logistics such as the management of funds and cost reimbursement. Pursuant to your request, I am also including information regarding the FFA’s historical role with the **Counsel/Co-Counsel program** and the proposed role for the FFA with the new Federal Civil Pro Bono Program.

The FFA was formed in 1997, after Chief Judge Matsch appointed a task force to develop a plan for a federal court practice organization to address substantive and procedural issues unique to federal court. The FFA is dedicated to improving the quality of legal practice in the United States District Court for the District of Colorado, and committed to enhancing advocacy skills, professionalism and the integrity of the federal judicial system. The FFA is a 501(c)(3) tax-exempt charitable organization.

... and many, many more who volunteered for the program, accepted pro bono representation, or served as the mentoring attorney, a key aspect of the “Counsel/Co-counsel” concept. I am especially appreciative to this group because of their constant receptiveness and open minds when presented with a new case, and all were kind and welcoming to me as Steve Ehrlich’s replacement. Thank you all!

❖ Civil Pro Bono Panel

Chief Judge Wiley Y. Daniel in 2011 convened a U.S. District Court Bench & Bar Strategic Planning Conference with the goal of improving services and the efficiency of the court. One of the primary objectives of the Conference was to focus on Court Services and Access to the bar and the public – including “improving access to justice for indigent and working class people.” A task force was created to tackle that topic and one of the mission and goals of the Services and Access Task Force was to create a pro bono program including a roster of volunteer civil litigation attorneys – and the Civil Pro Bono Panel was born. The **Services and Access Task Force** included **District Judges William J. Martínez** and **R. Brooke Jackson**, **Magistrate Judges Michael J. Watanabe**, **David L. West**, and **Gudrun N. Rice**; and **Nicole Salamander-Irby**, then-Law Clerk to Magistrate Judge Kristen L. Mix was the co-coordinator of the Task Force. I am thankful to all for their leadership and thoughtful input in creating the Panel, and to Nicole for her tireless assistance in drafting proposals and brainstorming. A special expression of

gratitude is owed to the Colorado federal trial bar and especially to **Natalie Hanlon-Leh**, President of the Faculty of Federal Advocates at the time, who shepherded the concept of the Panel through the FFA, organized its support, and provided the structure for the program. She was succeeded by **Lino Lipinsky**, who oversaw the FFA's joint response to comments from the bar and tailored the program to its current details. The bar as a whole, but especially Natalie as FFA President, worked hand-in-hand with the Services and Access Task Force to formulate the policies and procedures of the **Civil Pro Bono Panel program**, as first manifested in the Pro Bono Panel **Pilot Project** in 2013.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Services and Access Task Force

Mission / Goals:

Improve technologically based court access and education; increase services to non-front range areas of the state; improve access to justice for indigent and working class people.

Preferred Strategies:

Revise website to be of equal quality and user-friendliness to that of the Colorado State Judiciary, schedule grand jury sessions outside of Denver, create a pro bono program including a roster of volunteer civil litigation attorneys.

As a result of the Pilot Project, which ran for one year, the **Standing Committee on Pro Se Litigation** was formed, which provides oversight to the Civil Pro Bono Panel and other important access to justice projects. The composition of the Standing Committee is codified in **Local Attorney Rule 15 – Pro Bono Representation**, which was permanently established in 2014.

Throughout the 10+ years of the

Standing Committee's existence, the members have been insightful, collaborative, patient, and supportive of my role as the Civil Pro Bono Panel administrator. The current Standing Committee consists of **Magistrate Judge Scott Varholak** as chair, **Judge Daniel Domenico**, **Magistrate Judge Kristen Mix**, **Jon Asher** of **Colorado Legal Services**, **Fred Baumann** of **Lewis Roca Rothgerber** (Colorado Access to Justice programs) **Daniel Graham** of **Perkins Coie** (FFA), **Nora Passamaneck** of **WilmerHale** (private law firm), **Laura Rovner** of the **University of Denver Civil Rights Clinic** (DU clinical programs), **Zachary Mountin** of the **University of Colorado Law School Civil Practice Clinic** (CU clinical programs), **U.S. District Court Law Clerk Bradley Grumbley** (U.S.D.C. Pro Se Division), **Deputy Attorney General, Civil Litigation & Employment Law Michelle Brissette Miller** (Colorado Attorney General's office non-voting representative), and **Ashley Sheehan**, **U.S. District Court** (secretary). Past chairs and members – **Judge Martínez** (past chair), **Magistrate Judge Mix** (past chair), **Natalie Hanlon-Leh**, **Professors Norman Aaronson**, **Melissa Hart** and **Ann England** (all from CU), **Nicole Salamander-Irby** (USDC Pro Se Division), together with the current members, all have my sincere gratitude in providing wise counsel regarding the direction and practices of the Civil Pro Bono Panel.

Also deserving public recognition and an expressions of gratitude are the three **Faculty of Federal Advocates Executive Directors** who I have had the honor of working alongside: **Dana Collier**, **Mandy Hoffman**, and **Patricia Murphy**. All went above and beyond in answering questions, coordinating training seminars, organizing the Pro Bono Committee – the list is endless. Thank you Dana, Mandy, and Murph!

❖ **The Program:**

While the number of law firms and individuals who have joined the Civil Pro Bono Panel fluctuates, generally around **40 law firms**/legal organizations or law school clinical programs and **120 individuals** comprise the membership of the Panel. (Interestingly, in reviewing the list of the previous program – Counsel/Co-counsel – the number of attorneys who expressed an interest in participating was **236**). Over the course of the Panel's existence up to the date of this Panel Periodical, a total of **485** orders have been entered by the court directing the Panel administrator to secure pro bono counsel; the clerk has been successful in appointing **325** Panel lawyers who have accepted the appointments. That gives a **67%** success rate.

It would be impractical to list and thank every attorney on the Civil Pro Bono Panel who has accepted and completed a case, though each and every attorney who did so has my deep and sincere thanks. Perhaps one way to express thanks is to **honor the law firm pro bono coordinators** over the years who worked tirelessly – and many times entered their appearance alongside their colleagues – to clear firm conflicts, ensure firm resources could support the commitment to cases, and surely acted as mentors and leaders to associates and colleagues. Below are a few of these Law Firm Pro Bono Coordinators.

<ul style="list-style-type: none"> • Candace Whitaker – Faegre Baker Daniel • Ken Rossman – Lewis Roca Rothgerber • Ben Strawn – Davis Graham & Stubbs • Martha Fitzgerald – Brownstein Hyatt Farber Strickland • Steve Gurr – Bryan Cave (now at Polsinelli) • Dan Graham – Perkins Coie • Case Collard – Dorsey & Whitney • Anna Holland-Edwards – Holland, Holland Edwards & Grossman • Tom Werge – Werge & Corbin • Kevin Homiak – Homiak Law (now at Wheeler Trigg O'Donnell) • Meghan Martinez – Martinez Law Group • Zach Warren – Highlands Law Firm • Jane Fisher-Byrialsen – Fisher & Byrialsen • Daniel Glasser – Chipman Glasser • Arnulfo Hernandez – Hernandez & Associates 	<ul style="list-style-type: none"> • Scott Barker, Jennifer Parker, Alison McLaughlin – Wheeler Trigg O'Donnell • Andrew Lillie – Hogan Lovells (now at Holland & Hart) • Natalie Hanlon-Leh – WilmerHale (now Colo. AG's office) and Nora Passamaneck – WilmerHale • Lino Lipinsky – Dentons (now Colo. Court of Appeals) • Perry Glantz – Stinson Leonard Street • Casey Quillen – Ruebel & Quillen • Mari Newman – Killmer Lane & Newman • John Partridge – Gibson Dunn & Crutcher • Penn Dodson – Anderson Dodson • Sean Dormer – Dormer Harpring • Jamie Hubbard – Stimson LaBranche Hubbard • Andrew Felser – Glade Voogt Lopez Smith • Angela Tarasi – King & Spalding LLP
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❖ Standout Cases:

All of the cases where pro bono counsel entered appearances are equally important, and representation by trained counsel in all circumstances was critical for each client, the court, and opposing counsel. A few cases do stand out in my mind however, as being great examples of how an individual pro bono case can impact the law, government or corporate policies or just clearly demonstrate meaningful outcomes that result from pro bono representation.

- **08-cv-00333-PAB-KLM Leola Boone v. City and County of Denver** (pro bono counsel: **C. Adam Foster** and **Glendon L. Laird** of **McElroy Deutsch Mulvaney & Carpenter LLP**)

ADA, Rehabilitation Act, and state law wrongful death claims against the City of Denver by the family of Richard Boone, who was killed in February 2006 when he was struck by a motorist near the intersection of West Vassar Avenue and Green Court in Denver, Colorado. The complaint asserted that Mr. Boone and other disabled residents of an apartment complex in southwest Denver near Yale Avenue and Federal Boulevard had to take circuitous routes to a nearby grocery store because the traffic light at the intersection of South Federal Boulevard and West Yale Avenue was too short in duration to allow disabled and elderly individuals to safely cross South Federal Boulevard.

After Mr. Foster and Mr. Laird entered appearances as pro bono counsel, they exchanged discovery with the defense – including a site inspection – amended the complaint, and engaged in standard pretrial litigation. Seven months after entering appearances as pro bono counsel the parties reached a stipulation for dismissal. It is my understanding that an end result of Ms. Boone’s case on behalf of her son – and others similarly situated – is that improvements were not only made to the infrastructure along Federal Boulevard, including the traffic lights, but improvements were made to traffic signals that had a city-wide impact.




- 07-cv-02697-MSK-BNB, Khalfan Khamis Mohammed v. Holder, et al. (pro bono counsel: Paul D. Wolf)

Mr. Khalfan was a Federal Bureau of Prisons inmate at the Administrative Maximum facility (“ADX”) in Florence, Colorado. He objected to **Special Administrative Measures** (“SAMs”) imposed upon him. SAMs are used by the Government when it is believed “there is a substantial risk that a prisoner’s communications or contacts with persons could result in death or serious bodily injury” to others. These special measures “may include . . . limiting certain privileges, including, but not limited to, correspondence, visiting, . . . and use of the telephone.” The SAMs imposed on Mr. Mohammed curtailed his communications with members of his family and friends, and he contended that the restrictions violated his First Amendment rights to freedom of speech and freedom of association. After entry of Mr. Wolf as pro bono counsel and dispositive motion briefing, a **sole claim remained** – whether the Federal Bureau of Investigations’ decisions on the SAMs imposed on Mr. Mohammed ran afoul of the **Administrative Procedure Act**.

After a five-day bench trial, the Court found that the defendants violated the APA. Having concluded that the FBI acted arbitrarily in violation of 5 U.S.C. § 702 when it revoked Mr. Mohammed’s permission to have oral contact with his brother, denied his request for 32 additional permitted contacts, and refused Mr. Mohammed’s request to route his mail to recipients through his attorney, the Court found that the FBI was the proper agency for a remand. The FBI was directed to

Case 1:07-cv-02697-MSK-BNB Document 223-3 Filed 01/14/11 USDC Colorado Page 2 of 16



Office of the Warden

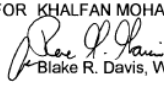
U.S. Department of Justice
Federal Bureau of Prisons

Federal Correctional Complex
☒ Administrative Maximum Security Institution
☐ High Security Institution
☐ Medium Security Institution
☐ Minimum Security Institution

Florence, CO 81226

December 9, 2010

MEMORANDUM FOR KHALFAN MOHAMED, REGISTER NUMBER 44623-054

FROM: 
Blake R. Davis, Warden

SUBJECT: Notification of Extension of Special Administrative Measures

initiate its annual SAMs review and assess whether factual circumstances warrant changes to the SAMs. The Court later determined that the FBI had indeed complied with the strict terms of the Court's remand: it reconsidered its rationale as to whether Mr. Mohammed may have telephone and personal contact with his brother and it adjudicated Mr. Mohammed's request to add some 20 individuals to his list of permitted mail contacts.

In my opinion, Mr. Mohammed's case, through **representation by Mr. Wolf** – a sole practitioner – **took a novel and unique approach in asserting claims** beyond the standard prison litigation civil rights claims and prevailed in a week-long trial while up against all the resources of the U.S. Government. Whether this can be considered “impact litigation” is hard to say – the remand to the agency was certainly very narrow in scope -- but one can imagine that after Mr. Mohammed's case the use of Special Administrative Measures were more carefully scrutinized and applied by the Government.

- **13-cv-03086-KMT, Anthony D. Shapiro v. Steven Weeder, Lt. of Intake at Sterling C.F., et al.**

Plaintiff Anthony Shapiro, a prisoner incarcerated in Sterling Correctional Facility in Sterling, Colorado, brought a case alleging he was subjected to a group strip search in the presence and full view of other prisoners by a Colorado Department of Corrections (“CDOC”) employee, in violation of the Fourth Amendment's prohibition on unreasonable searches. Mr. Shapiro acting pro se named one CDOC employee as the employee who conducted the group search, but he ultimately brought suit against several other employees. The additional employees were added after **pro bono counsel (students and faculty from the DU Civil Rights Clinic)** were appointed through the Civil Pro Bono Panel program. By the time the case proceeded to trial, only two employees remained as defendants.

One defendant was dismissed after the granting of a Rule 50 motion by the court. The case proceeded to jury deliberations and the jury found that **Mr. Shapiro had proven by a preponderance of the evidence that he was subjected to an unconstitutional group strip search**, but they could not answer positively that the remaining defendant was the employee who conducted the search. Costs were awarded against Mr. Shapiro in the final judgment; the defendants, however, filed a post-judgment motion seeking \$167,000 in attorney's fees against Mr. Shapiro. Defendants argued that “In light of the enormous expenditure of taxpayer funds occasioned by Plaintiff's lawsuit, the imposition of costs and attorney's fees against Plaintiff would discourage frivolous prisoner litigation and encourage more thoughtful choices by the prisoner population regarding the bringing of litigation.”

The court found as follows:

“The court notes and commends the eloquent briefs of the amicus curiae and the expressed concern for how an award of attorney's fees against an indigent litigant represented by pro bono counsel might affect the continued viability of this court's pro bono program, as well as the willingness of lawyers and law firms, including the University of Denver's Strom College of Law, to agree to represent indigent litigants without compensation, sometimes at significant cost. **The court agrees with the sentiment expressed therein and appreciates the negative impact an award of costs and fees against a prisoner, for whom the court has sought representation and appointed counsel from the Pro Bono Panel, might have on public interest work and the program in general.** ... This court finds that when considering whether to depart from the usual award of costs to a prevailing party, a factor that should be added to the list of discretionary

considerations is whether the court has specifically authorized or requested that pro bono counsel consider representing the non-prevailing indigent litigant.

The court, however, does not need a response to the amicus curiae briefs from the attorneys representing Defendants, themselves skilled public servants, because as laudable as the arguments are, these policy considerations are not decisive in this case for the simple reason that, while Defendants were prevailing parties in the litigation, **Plaintiff actually prevailed on the single most important issue before the court. The jury found Plaintiff's constitutional rights were violated and that he was subjected to an unconstitutional group strip search as to which there was no evidence of penological need.** Such a result does not bespeak of a legal theory whose factual contentions are clearly baseless or a suit that was vexatious, frivolous, or brought to harass or embarrass the defendant. In fact, this lawsuit was brought to vindicate and reinforce important constitutional rights.”

Why do I find Mr. Shapiro's case to be one that stands out? The claim and subject matter itself are not completely unique to prison and civil rights litigation; **rather, it was the potential chilling effect that the motion seeking attorney's fees could have had** when the opposing party singled out not just the pro se party but also counsel who were later appointed as pro bono representation. Thankfully Judge Tafoya's order (and similar orders by other judicial officers of this court in similar circumstances) clearly sets the tone that a pro se litigant who then has pro bono counsel appointed has the same rights and privileges to zealously assert arguments as any other party and counsel have. The opposing party's assertion that pro bono counsel should know better (“Pursuant to their years of combined experience, the licensed attorneys representing Plaintiff should have known that his claims against Chavarria, Trujillo, and Doane, in particular were frivolous and groundless”) and only posit tepid claims and arguments so as to not incur the wrath of the state and the seeking of attorney's fees. **The rallying of the Colorado pro bono bar community around Mr. Shapiro and pro bono counsel, as demonstrated in the amicus curiae filings, provides hope that this chilling tactic has ended.**

04/21/2017	244	MOTION for Leave to <i>Participate as Amicus Curiae</i> by Amicus Civil Rights Organizations and Attorneys . (Killmer, Darold) (Entered: 04/21/2017)
04/21/2017	246	MOTION to File Amicus Brief <i>in Opposition to Defendants' Motion for Attorney's Fees</i> by Amicus Colorado Lawyers Committee . (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5)(Hanlon-Leh, Natalie) (Entered: 04/21/2017)

❖ Important Reminders and Requests from the Civil Pro Bono Panel Administrator:

- **Please answer our e-mails.** The local rule on the Pro Bono Panel procedure requires us to send each case out to one attorney or law firm at a time. The rule provides for the Panel member to have five days to review the case. Please write us promptly if you know you are not interested or available – and if you are reviewing the case, please tell us when your review is done. The process is held up when we have to send reminders, especially repeated reminders to the Panel lawyer. It is especially frustrating when we don't receive any answer.

- Please let us know if you wish to withdraw from the Panel. It will save us time and effort in regards to the bullet point above. No hard feelings, we are grateful that you joined!
- If you still wish to be on the Panel but change law firms/employers, please send us your new contact information if you can, as well as whether your case preferences have changed.
- **This is a critical request – please don’t limit your participation to cases that you deem are “winnable”** – in our humble opinion, that’s not the point, representation is the point of pro bono work. Providing a pro se party the opportunity to be seen, heard, and having a presence in a federal courthouse as a party on a docket and a physical presence in a hearing, deposition, or trial is the true aim.
- Ask for mediation if your case appears to be a good candidate.
- Don’t forget to ask for reimbursement of case costs through the FFA (experts, investigators, depositions, transcripts, travel, photocopies, and even long-distance calls.
- Remember that you can enter a contingency fee or attorney’s fee agreement.
- Attend FFA Pro Bono training seminars.
- Ask for CLE credit.

❖ The Future:

The Standing Committee on Pro Se Litigation, the oversight organization of the Civil Pro Bono Panel program, is always receptive to improvements and suggestions on the operation and procedures of the Panel program. One practice that Panel members may see more of in the future will be **more contacts from judicial officers** to consider renewing a law firm’s commitment to the program, or reaching out to new firms, organizations, and individuals.

One recent suggestion from a pro bono coordinator is that fellow **Colorado law firm pro bono coordinators have a more direct role with the court, the FFA and the Panel administrator** in getting word out about individual cases, trends, and resources. Of course, the Panel program would be open to any developments that increase the possibility of representation and enhance the level of advocacy of Panel members. Other brainstorming ideas include **greater coordination among competing pro bono programs** (appellate court, state district court, and county court pro bono panels, and such groups as immigration and asylum bars); and **greater participation with the Panel by lawyers around the state** (and corresponding increased use of representation and court appearances by Zoom/Teams/Webex).

Finally, **other U.S. District Court pro bono panel programs** and each of their unique features and practices are worth a closer inspection for adoption of some or all of their practices. Unique among other federal programs is the **Northern District of Illinois** federal pro bono practices. Through the [Trial Bar Pro Bono Program](#), members of the *trial bar* are assigned to serve as counsel to pro se litigants who cannot otherwise afford to retain counsel. Assignments are made in civil actions only. Periodic training is provided by outside experts, in particular by a prison civil rights practitioner – **Mr. Alan Mills, the Executive Director of the Uptown People’s Law Center**, makes himself available to assist attorneys

I.	INTRODUCTION (substantive)
	Court’s unique program This seminar is only an introduction. More information than you can absorb and sometimes less than you need. Move quickly!! The “crippled case”-why this challenging type of case is instructive for all types of litigation.
A.	BASIC CONSIDERATIONS
	-Dealing with prisons your client prisoner during the COVID-19 crisis -Credibility of prisoner clients -Generally, no <i>respondat superior</i> liability in these cases -Watch out for the “hole in the donut!”
	The Clerk Has Just Informed You That You Have Been Appointed To Represent A Prisoner: “What Do I Do!!!! § 1915A orders (see sample, Appendix #1 attached)
II.	Establishing A Sound Client Relationship
	Find your client Write your client, or at least set up a legal call with your client Importance of communication: Illinois Rules of Professional Conduct, Rule 1.2 (Allocation of responsibilities Illinois Rules of Professional Conduct, Rule 1.4 (Communication with Client)
A.	Writing prisoners
	Name and prisoner ID number must match You <i>must</i> ensure confidentiality Your personal name as it is stated at the ARDC
B.	Written Retention Letter (Appendix #2)
	Illinois Rules of Professional Conduct, Rule 1.5(b) encourages written fee agreements Not a voluntary relationship N.D. Local Rule 83.41: Court must approve any fee agreement S.D. No approval required

recruited by the Court. An example of one of his comprehensive handouts from one of his training seminars is provided above. Note that the Northern District requires all *trial bar* members to be included in the pro bono pool, where assignments are mandatory, though deferrals are allowed. A full listing of pro bono programs in the Northern District is copied below.

What the future holds for the Civil Pro Bono Panel is unknown, except the fact that I know that there will always be dedicated, conscientious, lawyers seeking to improve their federal court practice while at the same time contributing to improving access to justice for all citizens. Thank you to all the past and current Civil Pro Bono Panel members, and thanks to all lawyers and firms who provide pro bono service in any capacity.

[RULES](#) [CLERK'S OFFICE](#) [ATTORNEY](#) [E-FILING](#) [JURY](#) [MDL](#) [FORMS](#) [JOBS](#)

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Northern District Pro Bono Programs

Northern District Pro Bono Programs

The U.S. District Court for the Northern District of Illinois has long been a leader in providing assistance for pro se litigants. In 1985, pursuant to Local Rule [83.35](#), the Court and the Federal Trial Bar launched the Pro Bono Program to address the growing need among parties of limited means who lacked the resources to retain private counsel. Since then, the Court has launched a variety of other programs that leverage the expertise of the Northern District's General and Trial Bar members to provide pro bono representation and assistance to pro se litigants.

Through the five pro bono and pro se assistance programs below, there are many ways for attorneys to participate, including limited representation through the Settlement Assistance Program and shifts at the court-based help desks. Please read below for more information on each program, including any prerequisites or training requirements to participate.

Members of the Northern District Trial Bar are eligible to participate in any of the listed programs. Northern District General Bar members are able to volunteer through the Settlement Assistance Program and the Bankruptcy Help Desk.

▼ Trial Bar Pro Bono Program

Trial Bar Pro Bono Program: Through the Trial Bar Pro Bono Program, members of the Trial Bar are assigned or volunteer to serve as counsel to pro se litigants who cannot otherwise afford to retain counsel. Assignments are made in civil actions only.

- **Assignments:** All members of the Trial Bar become part of the pro bono pool. Every year, the Clerk randomly selects names of Trial Bar members from the pool to create a pro bono panel. Members of the panel are assigned to pending cases to represent pro se litigants on a pro bono basis. After successfully completing a pro bono assignment, a Trial Bar member will not be selected for the pro bono panel again until all other non-exempt Trial Bar members complete pro bono assignments. However, Trial Bar members may volunteer to join the pro bono panel and to receive case assignments at any time.
- **Deferrals:** Trial Bar members may defer a pro bono assignment pursuant to Rule [L83.38](#) by volunteering with any one of the other programs listed below. There is no limit to the number of deferrals that a Trial Bar member may request so long as they have complied with the requirements of Rule [L83.83](#).
- **Training Requirements:** No formal training is required, although the Court hosts regular seminars on prison litigation and related topics. Videos and other resources can be found [here](#).
- **Eligibility Requirements:** The Trial Bar Pro Bono Program is limited to members of the Northern District Trial Bar.
- **Litigation Costs and Reimbursement:** Volunteers may incur costs in connection with representation, such as travel costs, deposition transcripts, and expert witnesses. Limited funds may be available to reimburse costs associated with the assignments ([read more](#)).
- **Contact:** For more information, please contact ProBono_Registration_ILND@iind.uscourts.gov.

▼ Settlement Assistance Program (SAP)

▼ William J. Hibbler Memorial Pro Se Assistance Program

▼ Bankruptcy Help Desk