

UNITED STATES DISTRICT COURT'S CIVIL PRO BONO PANEL PROGRAM

Effective December 1, 2014, the U.S. District Court adopted **Local Attorney Rule 15 - Civil Pro Bono Representation** - that implements the court's Civil Pro Bono Panel plan. The plan is a program consisting of volunteer attorneys serving on a panel who are willing to represent individuals of limited financial means (not strictly limited to the "indigent") in civil matters whenever requested by the Court. To date, **179 individual lawyers** and **42 law firms** have joined the Panel, and almost **245 cases** (for both plaintiff and defendant pro se parties) have had counsel appointed and litigated to a conclusion, including **22 trials or evidentiary hearings**.

The following are some of the unique aspects of the Civil Pro Bono Panel program:

- ▶ The individual attorney or law firm selected to review a case has the absolute freedom to decline accepting a case for any reason, and during the initial review process, counsel remains anonymous. No penalty occurs when cases are declined.
- ▶ Counsel may choose to have additional co-counsel assigned to assist, as either a mentor or "second chair."
- ▶ Individual lawyers, law school clinical programs, or law firms can join the Panel. Participants can specify how many cases will be accepted per year, and no more than that amount will be assigned.
- ▶ If a law firm joins the program, it can assign cases to any attorney(s) based on the law firm's schedule and training needs, as long as the attorneys are members of the U.S.D.C. bar and in good standing.
- ▶ Cases are initially screened by the court to ensure exhaustion of remedies, and are selected based on their merit.
- ▶ Panel members can specify which types of cases/causes of action to accept, from the following categories:
 - Civil rights cases
 - Consumer rights/ credit reporting/ foreclosure cases
 - Employment discrimination claims
 - Prisoners' rights cases (42 U.S.C. § 1983 or *Bivens*)
 - Social Security appeals
 - Other specific categories (counsel can choose from over 100 different federal causes of action), see <http://www.cod.uscourts.gov/CourtOperations/RulesProcedures/Forms.aspx#CivilProBono>.

Costs: Reimbursement funding for costs incurred by counsel (not fees) is available from the Faculty of Federal Advocates. Reimbursement in any single case will be limited to \$3,000 for non-expert costs. An additional reimbursement of up to \$7,500 for expert fees may be requested in advance in cases where expert witnesses are reasonably required. See the FFA website: <http://www.facultyfederaladvocates.org/pro-bono-programs/>

Fees: As a general rule, the focus of the program is to have counsel represent the unrepresented parties without remuneration; however, the court recognizes the sacrifice Panel members make to take such cases. Accordingly, local rule LAttyR 15 also permits counsel to enter into a contingent fee agreement that complies with the Colorado Rules Governing Contingent Fees, or in the alternative, retain attorney fees that are earned if an unrepresented party recovers attorney fees or a monetary award or settlement.

Limited Representation: Under the court's local rules, attorneys are now permitted -- either on a pro bono basis, or for a fee -- to represent ALL unrepresented parties on a limited basis. For more information on Limited Representation, including an Instruction Guide with the applicable rules, forms, checklist, and FAQs, please see: <http://www.cod.uscourts.gov/AttorneyInformation/LimitedRepresentation.aspx>.

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