

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS**

**Plan for the Appointment of Counsel for Indigent Parties
in Certain Civil Cases**

August 15, 2011

The objective of the *Plan for the Appointment of Counsel for Indigent Parties in Certain Civil Cases* (the Plan) is to facilitate the appointment of pro bono counsel for indigent pro se parties in civil cases when such appointment has been authorized by a judicial officer. This Plan applies to the appointment of counsel in cases such as Section 1983, First Amendment, personal injury, Eighth Amendment, healthcare, employment discrimination, social security, and other civil rights cases, etc. This plan has been prepared by the Clerk of the Court of the Central District of Illinois with assistance of the Federal Courts Committee of the Peoria County Bar Association. To register for appointment on pro bono cases, go to www.ilcd.uscourts.gov to the pro bono section of the site.

I. Responsibilities of Pro Bono Coordinator

The Peoria Divisional Office Manager shall be the Court's Pro Bono Coordinator for this program and shall administer the Plan in the manner set forth below.

II. Responsibilities of Participating Lawyers

All participating lawyers shall be placed on a list, or order of rotation, in alphabetical order by name. Each participating lawyer pledges to assume responsibility for at least one pro bono appointment at a time, if one is available. When a participating lawyer concludes a case, he/she shall advise the Pro Bono Coordinator that the matter has been concluded and they are available to accept an appointment in a new case. Counsel shall also submit a statement that describes the manner in which the matter was resolved.

Participation in this Plan is a commitment that an appointment made as set forth in Section III will not be declined except on the following grounds:

- A conflict of interest precludes counsel from accepting the responsibilities of representing the party in the case.
- The lawyer believes he/she lacks sufficient experience to represent the party in the case.
- Some personal incompatibility exists between counsel and the party, or a substantial disagreement exists between counsel and the party on litigation strategy.
- In counsel's opinion, the party is proceeding for the purpose of harassment or to inflict malicious injury.
- After investigation, counsel determines that the party's claims or defenses are not warranted under existing law and cannot be supported by a good faith argument for extension, modification or reversal of existing law.

III. Designation of Cases for Pro Bono Representation and Selection of Counsel

- A. Whenever a judicial officer determines that there is sufficient cause to exercise the discretionary power of the Court to appoint counsel for an unrepresented indigent party in a civil case, the judicial officer shall issue an order granting the indigent party's request for the pro bono appointment of an attorney. The order shall be transmitted forthwith to the Pro Bono Coordinator who will circulate the order to attorneys on the Pro Bono master list along with the case number, name, and brief description of the case. An attorney may volunteer to accept appointment in the described case.
- B. The Pro Bono Coordinator will contact participating lawyers not currently handling a case to give them the opportunity to fulfill their pledge to assume responsibility for a case.
- C. If an appointment is declined in accordance with Section II, the Pro Bono Coordinator shall tender the case to another lawyer in the manner set forth above. Alternatively, the Pro Bono Coordinator may recommend that the judicial officer vacate the order of appointment.

IV. Notification of Appointment

After representation has been secured in the case, the Pro Bono Coordinator shall immediately send a letter to appointed counsel confirming the appointment. Counsel should examine the docket sheet for the case on the CM/ECF system to become familiar with the events in the case. For documents not available on the electronic system, copies will be provided by the Clerk's Office.

V. Scope and Duration of Representation

Any appointment of representation shall be limited solely to those matters at issue before the Court and may be limited to an issue or issues designated by the judicial officer. Appointed counsel shall represent the party in the action until final judgment is entered in the action, or the issue or issues designated by the judicial officer have been resolved, unless a judicial officer grants a motion to withdraw.

If the party desires to take an appeal from a final judgment, appointed counsel may assist the party in filing a notice of appeal without being bound to handle the appeal. In accordance with Section B(3) of the *Plan for the Establishment and Administration of the District Court Fund and Regulations Governing Reimbursement From the District Court Fund*, no fees, costs or expenses associated with an appeal shall be reimbursed from the fund.

VI. Fees, Expenses, and Compensation for Services

Within thirty (30) days of the entry of judgment or order of dismissal, appointed counsel may apply for reimbursement of fees and expenses from the Court in accordance with the Court's

Regulations Governing Reimbursement From the District Court Fund. A Reimbursement Voucher is attached as Attachment A. Insofar as expenses are not reimbursed by the Court, it is generally anticipated that appointed counsel shall bear the cost of those expenses.

If after appointment, appointed counsel discovers that the party is able to pay for legal services in whole or in part, the attorney may bring that information to the attention of the judicial officer. Thereupon the judicial officer may (1) approve the entry into a fee agreement between the party and the attorney or (2) relieve the attorney from the responsibilities of the order of appointment and permit the party to retain another attorney or proceed pro se.

If appointed counsel successfully obtains an award for his/her client, fees, costs and expenses will be reimbursed to appointed counsel from said award.

Dated: August 15, 2011

s/ Michael P. McCuskey

MICHAEL P. McCUSKEY, Chief
United States District Judge

s/ James E. Shadid

JAMES E. SHADID
United States District Judge

s/ Sue E. Myerscough

SUE E. MYERSCOUGH
United States District Judge

s/ Sara L. Darrow

SARA L. DARROW
United States District Judge

ATTACHMENT A

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

REQUEST FOR PAYMENT FROM THE DISTRICT COURT FUND
VOUCHER
NUMBER (DCF)

PLEASE TYPE OR PRINT WITH BALLPOINT PEN

Case Title _____ Case Number _____

PRESIDING JUDGE _____

ATTORNEY NAME _____ Business Phone No _____

FIRM OR BUSINESS NAME _____

STREET ADDRESS _____ Room Number _____

CITY _____ STATE _____ ZIP _____

NAME OF PARTY REPRESENTED _____

_____ ITEMIZED EXPENSES _____

(Please attach documentation for each expense)

DEPOSITIONS AND TRANSCRIPTS	\$ _____
INVESTIGATIVE, EXPERT OR OTHER SERVICES	\$ _____
TRAVEL EXPENSES (_____ miles @ 51¢)	\$ _____
WITNESS FEES	\$ _____
INTERPRETER SERVICES; EXPERT WITNESS FEE	\$ _____
PHOTOGRAPHS, PHOTOCOPIES, TELEPHONE TOLL CALLS	\$ _____
OTHER (Please attach description of expense)	\$ _____

EXPENSES TOTAL: \$ _____

_____ ITEMIZED ATTORNEY FEES _____

IN COURT HOURS CLAIMED: \$ _____

HEARING TYPE, DATES, AND TIME

OUT OF COURT HOURS CLAIMED: \$ _____

INTERVIEWS AND CONFERENCES
DATES AND TIME

OBTAINING AND REVIEWING RECORDS
DATES AND TIME

LEGAL RESEARCH AND WRITING
DATES AND TIME

OTHER:

ATTORNEY FEES TOTAL: \$ _____

TOTAL AMOUNT CLAIMED \$ _____

I swear (or affirm) the truth and correctness of the above statements and that each of the listed expenses were, in my best judgment, necessary for the adequate preparation and presentation of the above-named case. I hereby request reimbursement for the total amount of expenses incurred in the preparation of this case.

Attorney's Signature: _____ Date _____

Approved/Certified
For Payment _____ Date _____ Amt Approved/
Certified \$ _____

Signature of Presiding Judge

Signature of Chief Judge Date _____

For Payments over \$1,000 see attached written order.

FOR OFFICE USE ONLY

AMOUNT REMITTED: \$ _____ CHECK NUMBER _____

CLERK'S SIGNATURE