

**FIRST CIRCUIT JUDICIAL COUNCIL ACCESS TO JUSTICE
COMMITTEE**

DISTRICT COURTS' SUBCOMMITTEE

**PRO BONO PROGRAMS
RECOMMENDED BEST PRACTICES,**

**RECOMMENDED BEST PRACTICES
FOR MEDIATION OF PRO SE CASES,**

AND

FORM SIMPLIFICATION MEMORANDUM

October 2024

INTRODUCTION, by Chief Judge David J. Barron, Chair, First Circuit Judicial Council

In September 2022, as Chair of the First Circuit Judicial Council, I appointed the First Circuit Judicial Council Access to Justice Committee. The Committee was divided into subcommittees by court type, with the District Courts' Subcommittee chaired by Judge Joseph N. Laplante of the District of New Hampshire, who has also served as the co-chair to the New Hampshire Access to Justice Commission. I did so in recognition of the core value of the federal judiciary to promote "equal justice," defined as "fairness and impartiality in the administration of justice; accessibility of court processes; [and] treatment of all with dignity and respect." Judicial Conference of the United States, Strategic Plan for the Federal Judiciary (Strategic Plan) (September 2020). The importance of the committee's charge cannot be overemphasized, as each year in the First Circuit, self-represented litigants typically file more than one-third of all new appeals, almost 20% of the new civil cases in the district courts, and up to 5% of new bankruptcy cases. Accordingly, the Committee was directed to 1) explore the access to justice resources and pro bono programs available throughout the circuit and nationally, and (2) develop recommendations to improve their structure, scope, and implementation in the circuit.

Under Judge Laplante's leadership, the District Court's Subcommittee, which is comprised of a number of district and magistrate judges, court unit executives, and staff from around the circuit, began by identifying access to justice research and existing resources for unrepresented litigants, both within the circuit and beyond. Based on this information, the Subcommittee determined that the best approach would be to divide into three working groups, addressing pro bono programs, mediation programs, and forms simplification and translation, respectively. Each of these groups worked independently to develop the documents that follow, each of which was then approved by the full District Courts' Subcommittee.

The Pro Bono Working Group met with stakeholders throughout the circuit and experienced court staff and court unit executives nationally, and collaborated to develop best practices addressing a myriad of topics, including the development of a pro bono plan, local rule amendments, recruitment and management of a pro bono panel, training, and expense reimbursement. With the same goals in mind, the Mediation Working Group also met with relevant judges and staff within and beyond the First Circuit, and explored the currently available options for mediating both prisoner and non-prisoner pro se cases in the circuit's district courts, before suggesting factors to consider in developing mediation programs, such as case type and eligibility, and mediator availability, and promoting the development and maintenance of pro bono programs for the limited scope of mediation. Recognizing local variability in each of the district court's caseloads, resources, current programming, bar culture, and processes, the District Courts' Subcommittee recognizes that both the pro bono and mediation best practices are intended to provide suggestions and options for the courts to develop or modify their current programs to promote access to justice.

The Forms Simplification and Translation Working Group was tasked with synchronizing efforts across the circuit intended to make court processes and procedures more navigable and inclusive for self-represented litigants. After reviewing research on the importance of providing "comprehensive, readily accessible information" to litigants and bankruptcy participants, see Strategic Plan, Goal 6.21, p. 22, the working group engaged staff in a pilot

program with the Suffolk University School of Law Legal Innovation and Technology Lab to apply its tools to measure key metrics, such as readability, length, sentence structure, and density in a select number of forms, in order to calculate a "complexity" score and, thereafter, apply recommendations for simplifying the forms. Using these tools and other "plain language" resources, the working group recognized that an ongoing document/form simplification effort will be integral to improving unrepresented litigants' access to justice circuit wide, and any such effort should reflect the varying needs, practices, and procedures of each court in the circuit. Accordingly, the Subcommittee approved the group's recommendation to appoint a standing committee, the First Circuit Judicial Council Forms Simplification Committee, comprised of one or more representatives from each district court (including, but not limited to, the clerk, chief deputy clerk, or the clerk's designee) to coordinate an ongoing effort to simplify the district courts' forms and pro se resources. It is envisioned that this committee will also be available to support ongoing efforts in the districts to develop and maintain resources for their pro se and mediation programs.

With thanks to Judge Laplante and the judges and staff who collaborated on this project, I am hopeful that these documents will inspire and facilitate ongoing efforts across the circuit to improve unrepresented litigants' access to justice.

**FIRST CIRCUIT
ACCESS TO JUSTICE COMMITTEE -
DISTRICT COURTS' SUBCOMMITTEE**

**PRO BONO PROGRAMS
RECOMMENDED BEST PRACTICES**

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District Courts' Subcommittee Members**

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Introduction

In September 2022, Chief Circuit Judge David Barron appointed the First Circuit Judicial Council Access to Justice Committee, chaired by Judge Joseph N. Laplante of the District of New Hampshire and charged with assessing, researching, and developing resources related to access to justice. This Committee divided into subcommittees based on court type, including this District Courts' Subcommittee. This Subcommittee was further divided into three Working Groups: Pro Bono Programs; Mediation; and Form Simplification.

Based on its review of resources and pro bono programs in the Circuit and nationally, as well as significant relevant research, the Subcommittee sought to develop a document that would provide concrete recommendations for the courts to improve the structure, scope, and implementation of such resources and programs. This document is the product of the Subcommittee's efforts.

For purposes of this document, the Subcommittee's "access to justice" focus is the development and maintenance of pro bono programs in district courts. Such programs enable courts to appoint counsel to otherwise self-represented litigants who cannot afford counsel and who consent to such representation; appointed counsel then assists the litigant in pursuing their claims, whether through advice, mediation support, and/or limited or full-scale representation.

With that framework, this document sets forth the goals of the Subcommittee in promulgating these Recommended Best Practices and outlines its recommendations related to district court pro bono practices. As part of its work, the Pro Bono Working Group met with judicial officers and/or staff from each district in the Circuit to better understand the respective districts' pro bono programs and appointment processes. During those conversations, district representatives described their current systems for pro bono appointment; assessed costs and benefits of their approaches; identified local limitations and opportunities; and identified potential areas of guidance where the Subcommittee could provide insight. These forthright and insightful discussions informed the Subcommittee's recommendations.

The District Courts' Subcommittee recognizes that district courts' approaches to pro bono options vary significantly for compelling reasons, including, but not limited to, caseload, resource availability, size and culture of the local bar, and case processing procedures. Accordingly, the Subcommittee does not contemplate that each district be required to adopt every Recommended Best Practice related to pro bono programs. Instead, the document is intended to provide a framework for individual courts to assess the current landscape of civil pro bono representation in their districts and, if appropriate, develop or modify those programs to increase access to justice.

Current Pro Bono Appointment Practices, by District

District of Maine:

The District of Maine has an informal program through which pro bono counsel are appointed in civil cases, typically in response to motions for appointment of counsel. If a magistrate judge determines that triable issues exist and representation might be appropriate, the judge will call attorneys directly to recruit pro bono counsel. The magistrate judge maintains a list of counsel to call on; if an attorney reaches out to the clerk to be added to the list, his or her name is passed on to the judge. If an attorney accepts the case, the judge directs the clerk's office to enter an appointment order on the docket. The Court reimburses pro bono counsel for expenses through its Bench and Bar Fund. There is no specific limit to expenses that can be sought, nor is there an explicit requirement that expenses be preapproved, but the fund itself is limited. Limited scope representation is currently prohibited by local rule.

District of Massachusetts:

The District of Massachusetts has a formal pro bono plan for civil cases. The determination whether to appoint pro bono counsel is typically made by a judicial officer after the defendants respond to the complaint and/or disposition of motions to dismiss. The District's pro bono coordinator circulates a monthly mass email to the panel of counsel and firms who had previously indicated an interest in pro bono appointments. Limited scope representation is allowed, including for the purpose of advocating on behalf of a self-represented litigant at mediation. Reimbursement of expenses is allowed, pursuant to guidelines. The District employs three pro bono coordinators, one for each division, and the mediation pro bono program is run in collaboration with court employees and a Federal Bar Association liaison. The District also partners with the local chapter of the Federal Bar Association in connection with a robust program for limited pro bono appointments for the purpose of mediation.

District of New Hampshire:

The District of New Hampshire appoints attorneys or law firms from a list of volunteers after a judicial determination that the case may have merit and a party may not have the ability to litigate it. The order authorizing appointment is contingent upon finding willing pro bono counsel, which is not a given. The appointment order may provide for limited scope representation, which is explicitly allowed by [Local Rule 83.7](#). Reimbursement of certain expenses up to a predetermined limit is available, upon request. The District acknowledges attorney volunteers through a "pro bono honor roll" on its website and at large events like its Federal Practice Institute.

District of Puerto Rico:

The District of Puerto Rico has the Circuit's only mandatory pro bono program, formalized in [Local Rule 83L](#). Every active private attorney in the District is eligible for placement, through random assignment, on a pro bono appointment panel, repopulated annually. After a judicial determination of indigency and that appointment is appropriate, an attorney on the panel is appointed. Appointed counsel can move to withdraw but are not consulted prior to appointment.

A pro se litigant appointed pro bono counsel is responsible for as much of the expenses of litigation as is feasible, including fees. Costs are potentially reimbursable from a "Special Fund," consisting of the local admission fees of members of the Bar, but most appointed attorneys ultimately absorb most litigation costs. One of the most frequent expenses is translation.¹

District of Rhode Island

The District of Rhode Island has a volunteer panel of attorneys willing to accept civil pro bono work. Attorneys with less than five years' experience are required to work under the supervision of a mentor. After a judge determines the individual is indigent and the claim is appropriate for appointment, through the Clerk's Office, the Court reaches out to a panel attorney to review the case and either file a notice of appearance or decline appointment. Representation may be general or limited in scope by the appointing officer.

The District's plan permits appointed counsel to petition for reimbursement for certain expenses, up to \$2,500 per case from the Court's Bar Fund, and/or apply for fees and costs to be paid by an opposing party as permitted by relevant statute. The District will not reimburse from the Bar Fund expenses that are reimbursable by another source.

¹ The Jones Act requires that "[a]ll pleadings and proceedings in the United States District Court for the District of Puerto Rico shall be conducted in the English language." 48 U.S.C. § 864.

Goals and Benefits of Developing and Maintaining Pro Bono Programs

Goal/Benefit 1: Increasing access to justice for civil litigants

Discussion

The concept of "equal justice" has been identified as a core value of the federal judiciary and defined as "fairness and impartiality in the administration of justice; accessibility of court processes; [and] treatment of all with dignity and respect." JUDICIAL CONFERENCE OF THE UNITED STATES, STRATEGIC PLAN FOR THE FEDERAL JUDICIARY 2 (Sept. 2020), https://www.uscourts.gov/sites/default/files/federaljudiciary_strategicplan2020.pdf. To that end, the federal courts seek to "[p]ursue improvements in the delivery of fair and impartial justice on a nationwide basis." *Id.*, at Strategy 1.1, 5.

The term "access to justice" is a wide-reaching and amorphous term but generally refers to the notion that there are many tangible and invisible barriers precluding individuals from securing their rights under the law and seeking and obtaining relief from the courts.²

Traditionally, access to justice has meant at minimum the effective capacity to bring claims to a court, or to defend oneself against such claims. Although many courts allow parties to represent themselves, it is clear that effective access usually requires the services of a competent lawyer, since lawyers hold the monopoly of rights of practice in courts and the skills and experience that accrue from that practice. The costs of litigation, however, are very high - in court costs, administrative costs, witness fees, and lawyers' fees - so much so that even middle-class parties are foreclosed from using the courts for any but routine transactions unless they can tap into financing from some other source, such as contingent fees and attorney-fee awards paid by the adverse party, or state-subsidized legal services.

Robert W. Gordon, *Lawyers, the Legal Profession & Access to Justice in the United States: A Brief History*, 148 DÆDALUS 177, 178 (Winter 2019). Or, for a simpler definition: "A person facing a legal issue has timely and affordable access to the level of legal help they need to get a fair outcome on the merits of their legal issue, and can walk away believing they got a fair shake in the process." Bob Graves, *What Do We Mean When We Say Access to Justice?*, THE CHICAGO BAR FOUNDATION, <https://chicagobarfoundation.org/bobservations/what-do-we-mean-when-we-say-access-to-justice/> (last visited Feb. 28, 2024).

Though there are various ways that courts can increase individuals' ability to meaningfully access the justice system, focusing on the development and implementation of pro bono programs

² See, e.g., *What is Access to Justice?: Protecting Rights and Securing Basic Needs*, NATIONAL CENTER FOR ACCESS TO JUSTICE, <https://ncaj.org/what-access-justice> (Nov. 20, 2023) ("The complexities of law and process, the inequality between ordinary people and powerful adversaries, the cost of hiring a lawyer, the fear of governmental authority, the belief that the system is biased and rigged against them or against their communities -- these and many other barriers stand in the way of justice.").

is one way to address the critical need for civil representation: according to a recent study, approximately 75% of low-income households experienced at least one civil legal problem in a one-year period, and low-income Americans do not get enough or any legal help for 92% of the problems that had substantially impacted them. See *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans*, LEGAL SERVICES CORPORATION, <https://justicegap.lsc.gov/resource/executive-summary/> (last visited Feb. 28, 2024). In the district courts of the First Circuit, self-represented litigants file more than 20% of the new civil cases. See Attachment A (pro se case filing statistics for the past five calendar years).

By emphasizing access to justice in the development and maintenance of pro bono programs, the Subcommittee prioritizes appointment of counsel for low-income litigants, when possible, in an effort to eliminate unnecessary legal barriers for these court users.

Goal/Benefit 2: Increasing judicial efficiency and preserving court resources

Discussion

Typically, self-represented litigants rely heavily on court staff to answer procedural questions and to provide rulebooks and forms to inform their self-representation, although court staff cannot provide the legal advice that self-represented litigants often need and want. Pro se cases often require more work for judges and court staff than counseled cases: "Pro se cases impose disproportionate strains on courts. According to a 2011 study by the Federal Judicial Center, clerks and chief judges cited excessive time demands, incomplete and illegible submissions, difficult and unstable litigants, and limited understanding of court procedure." Judiciary News, *Pro Se Centers Help Even the Odds for Litigants Without Lawyers*, UNITED STATES COURTS (Aug. 20, 2015), <https://www.uscourts.gov/news/2015/08/20/pro-se-centers-help-even-odds-litigants-without-lawyers>. The systematic appointment of pro bono counsel, where appropriate, is likely to reduce this burden on courts' resources and staff.

Courts are understandably concerned about using precious resources to develop and maintain pro bono programs in the midst of increasing judicial workloads and ongoing budget constraints. However, to the extent a successful pro bono program minimizes the amount of time that judges, especially magistrate judges, need to spend on pro se cases and the number of inquiries from self-represented litigants and confounding filings received by clerk's offices, the benefit could easily outweigh the administrative cost.

While increased judicial efficiency and preserved court resources cannot be the singular underlying objective of any access to justice initiative, these are valuable secondary goals and benefits of a well-conceived and smooth-running pro bono program.

Goal/Benefit 3: Enhancing the relationship between the judiciary and the bar

Discussion

While not the primary goal of most pro bono programs, such initiatives nevertheless produce the additional benefit of improved relationships between the judiciary and the bar. The collaboration between the court and the bar inherent in a well-functioning program can reap significant benefits for each party. For the court, a pro bono program can increase the breadth and diversity of the bar by providing a pathway to federal practice for attorneys who would not otherwise appear in district court. Another benefit for the court is the improvement in the quality of practice overall, by expanding the experience and investment of bar members. For attorneys, pro bono programs offer a unique opportunity to receive litigation experience, sometimes with mentorship or training; make connections with the local bench and bar; and give back to the local community. The courts' involvement provides some support to the volunteer attorneys, in the form of case pre-screening, potential limited scope appointments to reduce counsel's burden, reimbursement to offset financial risk, and public recognition and gratitude for their service.

Recommendation 1: After identifying relevant stakeholders, each court should work with those stakeholders to develop and/or update its Pro Bono Plan and set forth an individualized approach to the appointment of pro bono attorneys, based on a variety of factors including, but not limited to, the court's caseload and characteristics of the region and local bar.

Discussion

Each of the Subcommittee's goals, outlined above, are furthered by the development and maintenance of a well-constructed pro bono program. Most critically, the "fundamental purpose" of a pro bono program is to increase access to justice and "provid[e] legal representation to those unable to obtain it otherwise." Margaret Y.K. Woo, Connor Cox, & Sarah Rose, *Access to Civil Justice*, 70 AM. J. COMP. LAW 189, 111 (Oct. 2022).

The appointment of pro bono attorneys to litigants who would otherwise proceed without representation also serves to increase judicial efficiency and preserve court resources. See, e.g., Barbara Graves-Poller, *Is Pro Bono Practice in Legal "Backwaters" Beyond the Scope of the Model Rules?*, 13 U.N.H. L. REV. 1, 7-8 (Spring 2015) ("Pro se litigants unfamiliar with basic court rules and the substantive law governing their dispute compromise efficiency in these courts where judges already labor under heavy dockets.").

Finally, the development of pro bono programs can improve the relationship between the bench and bar:

From the judicial perspective, establishing opportunities for attorneys to engage in pro bono representation can serve as a way for judges and attorneys to interact and lessen the effects of professional isolation. Creating a program to acknowledge exceptional pro bono contributions can also make judges appear more approachable and appreciative of attorney contributions to the community. From the attorney perspective, pro bono work can be both rewarding and provide opportunities for more judicial interactions. Further, for new attorneys, additional judicial interactions can lessen the intimidation factor associated with appearing in court and can help them establish credibility with the court. Overall, pro bono efforts can foster better bench-bar relations if fully embraced by those on both sides of the bench.

Hon. David W. Lannetti & Jennifer L. Eaton, *Fostering Better Bench-Bar Relations through Pro Bono Opportunities*, Article in *The Bench*, AMERICAN INNS OF COURT, (Jan./Feb. 2023), https://www.innsofcourt.org/AIC/AIC_For_Members/AIC_Bench/AIC_Bench_Recent_Articles/2023_JanFeb_Lannetti-Eaton.aspx.

B. Identifying stakeholders

The identification of stakeholders who will be invested and involved in the development and/or maintenance of a pro bono program is critical in creating a successful program. Ensuring that the appropriate court personnel and judicial officers are involved can streamline the process and help to avoid logistical difficulties. In addition, enlisting the participation and assistance of court users, local bar organizations, and law schools can establish interest in the program (and future involvement), help to identify local needs and resources, and minimize the administrative burden placed on the court. Courts might consider creating committees comprised of these stakeholders and tasking them, at least in part, with assessing options and developing or updating their pro bono plans.³

1. *Judicial Officers and Court Personnel*

When determining the right internal participants, courts should consider the workflow for pro se cases as well as potential interest: Who screens pro se cases? Which judges, if any, have appointed pro bono attorneys in the past? Do certain judges or magistrate judges conduct mediation with self-represented litigants? Do any judicial officers have a background or particular interest in access to justice issues? Does the court employ pro se law clerks who would be interested in assisting? Is there a court executive, supervisor, and/or staff member from the clerk's office who can advise what might be administratively possible based on available resources?

2. *Bar Organizations and Members of the Bar*

As attorneys in private practice are those called upon to provide pro bono representation, courts should consider involving bar organizations and/or individual attorneys in the development of these programs as their buy-in can help develop and maintain interest in program involvement. Moreover, depending on the framework for the court's pro bono program and the culture of the bar and the region, at least some administrative work may be handled externally, e.g., by a bar organization, rather than by clerk's office or chambers' staff, thereby minimizing the drain on court resources.⁴

Fortunately, several bar organizations operate in each jurisdiction of the First Circuit, including general associations, affinity bar groups, and organizations based on locality, area of the law, or type of practice. A non-exhaustive list of these organizations (including their website

³ The U.S. District of Colorado, for example, established a Standing Committee on Pro Se Litigation, which oversees the Pro Bono Panel and includes a district judge, a magistrate judge, the legal officer of the court, and one representative from each of the following: a local federal bar association, the state bar association, a private law firm, a state legal aid organization, local law school clinical programs, and the pro se division of the court. [D. Colo. L. Att'y. R. 15\(b\)](#).

⁴ For example, the Western District of Pennsylvania partners with the Allegheny Bar Association, which provides malpractice insurance to pro bono attorneys under its umbrella coverage when necessary, and the American Civil Liberties Union of Alaska helps to solicit pro bono attorneys and provides malpractice insurance coverage to appointed solo practitioners in the District of Alaska.

addresses) is available at Attachment B. Courts may consider reaching out to the officers of these organizations to determine whether collaboration may be possible and, if so, to what extent. These organizations may view an opportunity to work closely with and support the court's pro bono program as a chance to increase credibility and involvement from local attorneys and to further their mission.

3. *Legal Aid Programs*

Involving legal aid organizations in pro bono planning makes good sense, as these institutions are intimately familiar with the characteristics and needs of the local indigent population requiring civil legal services. Like bar organizations, staff from these programs may relish the opportunity to work closely with courts on the development and/or maintenance of pro bono programs - particularly as the appointment of pro bono counsel may help to relieve the strain on the organization's legal resources. A non-exhaustive list of legal aid programs in the First Circuit is included at Attachment C.

4. *Law Schools*

Another potential collaboration courts may consider is with a local law school. The First Circuit jurisdictions are home to many exceptional law school programs, many of which have formidable clinical program offerings. A partnership between a court and a local law school could involve case screening by court staff to determine appropriate cases for pro bono representation, and clinical program directors could oversee that litigation.⁵

The development of clinical programs that represent self-represented litigants in federal court is in the interest of law schools, as these programs give students valuable federal legal experience. Moreover, these programs would grant students an opportunity to provide pro bono legal services, a requirement for ABA approval pursuant to the organization's Standards and Rules for Approval of Law Schools.⁶

⁵ By way of example, Boston College Law School offers a civil rights clinic, in which representative litigation matters include civil rights cases filed on behalf of low-wage workers, immigrants, prisoners, and communities of color, see, *Clinics*, BOSTON COLLEGE LAW SCHOOL, <https://www.bc.edu/bc-web/schools/law/academics-faculty/experiential-learning/clinics.html> (last visited Feb. 28, 2024), and Boston University School of Law offers a Civil Litigation & Justice Program, in which law students can practice lawyering skills in different types of courts, including federal court, see *Civil Litigation & Justice Program*, BOSTON UNIVERSITY SCHOOL OF LAW, <https://www.bu.edu/law/experiential-learning/clinics/civil-litigation-program/> (last visited Feb. 28, 2024). A non-exhaustive list of law schools in the First Circuit and their clinical programs is included at Attachment D.

⁶*Description of Program Definition*, ABA, https://www.americanbar.org/groups/center-pro-bono/resources/directory_of_law_school_public_interest_pro_bono_programs/definitions/pb_description/ (last visited Feb. 28, 2024).

In accordance with this obligation, several law schools in the First Circuit require pro bono legal work as a prerequisite for graduation. For example, Roger Williams University School of Law and Harvard Law School require fifty hours of pro bono legal work prior to graduation.⁷ Other schools encourage, but do not require, pro bono service by their students.⁸

Court cooperation with law schools is not without complexities, including the potential of overburdening supervising faculty and the unrelated demands on a law student's time. Moreover, litigation is not temporally limited to terms or semesters but can span months or years, rendering consistent representation by law students impractical. In addition, a permanent collaboration may require the creation of a new clinical program necessitating multiple bureaucratic levels of approval at the law school and taking significant amount of time to develop and implement. However, even if a law school clinical program does not come to fruition, it may be helpful to involve law school administrators and/or clinical program directors in the development and planning of a court's pro bono program to discover what judicial/academic collaboration may be possible and to encourage new members of the bar (and recent law school graduates) to participate in pro bono programs. Pro bono law school clinics have the potential to foster a service ethic among future members of the bar.

5. *State and Federal Representatives*

Involving representatives from state and federal agencies frequently appearing in pro se litigation will also be helpful. For example, attorneys from the United States Attorney's Office in the district, the state attorney general's office, the state department of corrections, and attorneys who frequently represent towns and municipalities may help establish appropriate standards and

⁷ See, e.g., *Pro Bono Experiential Learning Requirement*, ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW, <https://law.rwu.edu/academics/feinstein-center-pro-bono-experiential-education/pro-bono-experiential-learning-requirement> (last visited Feb. 28, 2024) (explaining that the requirement "is designed to instill in law students the value and habit of providing pro bono legal service to low-income communities and increasing access to justice, while at the same time providing an opportunity for students to gain valuable practical legal experience"); *Pro Bono Graduation Requirement*, HARVARD LAW SCHOOL, <https://hls.harvard.edu/pro-bono/graduation-requirement/> (last visited Feb. 22, 2024); *Degree Requirements*, NORTHEASTERN UNIVERSITY SCHOOL OF LAW, <https://law.northeastern.edu/academics/programs/jd/degree-requirements/> (last visited Feb. 28, 2024) (including public interest requirement in list of degree requirements).

⁸ See, e.g., *Public Service Programs*, BOSTON UNIVERSITY SCHOOL OF LAW, <https://www.bu.edu/law/careers-professional-development/public-service-programs/> (last visited Mar. 1, 2024) ("JD students who complete the *pro bono* pledge by performing at least 50 hours of *pro bono* work during law school are recognized with a special designation on their transcripts[.]"); *Public Service*, UNIVERSITY OF MAINE SCHOOL OF LAW, <https://mainelaw.maine.edu/public-service/> (last visited Mar. 1, 2024) ("The *Pro Bono* Program encourages students to provide a minimum of 80 hours of *pro bono* legal service, without financial compensation or academic credit, before graduation.").

criteria for pro bono counsel in specific types of cases, as well as develop training and substantive written resources.

C. Developing a court-specific pro bono appointment process

Whether a committee is charged with developing a new pro bono program or updating an existing one, or the court manages the process internally, the process will require assessing the following issues in light of the court's caseload, resource availability, the size and culture of the local bar, and case processing procedures in that district. Some or all of a court's answers to the questions discussed below may be established in a court's pro bono plan or local rule. See infra, at Recommendation 2.

1. *Will pro bono service be voluntary or mandated?*

A primary issue to address as early as possible in the process is whether the court will require pro bono service from the members of its bar. Obviously, mandatory and voluntary service pose fundamentally different questions and require the development of divergent frameworks. In addressing this question, courts (or the committees charged with developing or updating pro bono programs) may consider:

- How large is the court's bar, and how many pro se cases are filed each year?
- Ideally, in what proportion of pro se cases would the court want to appoint counsel?
- What is the local legal culture?
- Are there other civil legal needs for pro bono service in the jurisdiction that would be in competition with the court's program?
- How would a mandatory program be received by the bar?
- Does the court have the resources to maintain a mandatory program?
- Is the bar sufficiently experienced to provide adequate representation in the types of cases where pro bono counsel might be appointed?
- What is the cost of litigation in the jurisdiction for the types of cases where pro bono counsel might be appointed (e.g., are costly expert witnesses required?), and will the bar be able to sustain those types of expenses?
- Ultimately, what is manageable - for the court and for the law firms and individual attorneys who practice there?

Several federal district courts mandate pro bono service, including the District of Puerto Rico in the First Circuit.⁹ Some of these courts appoint counsel by choosing at random from the entire bar membership. Others periodically establish a wheel or pool of a certain number of randomly-selected bar members (based on the number of anticipated pro bono appointments for a

⁹ Other district courts requiring members of their bars to provide pro bono legal services include: the Eastern and Western Districts of Arkansas; the District of Connecticut; the Southern District of Georgia; the Northern District of Illinois; the District of Maryland; the Eastern District of Missouri; the District of Nebraska; the Northern District of New York; the Western District of New York; the Western District of Texas (San Antonio Region); and the District of Utah. See Attachment E for a collection of these districts' relevant local rules.

set window of time) and then select pro bono counsel from this smaller subset of the bar. A benefit of the latter approach is that attorneys know when they might expect an appointment, which may result in fewer solicitations for pro bono counsel and, accordingly, a decreased administrative burden on court staff.

Some attorneys may be excluded from appointment, either automatically or upon request, based on a number of factors. Some courts with mandatory pro bono programs require participation only from those who actively litigate in that jurisdiction. Courts may also exempt categories of attorneys from mandatory pro bono service, though these categories vary depending on the court's priorities. Categories of exempt attorneys may include: (1) those with a principal place of business outside of the jurisdiction;¹⁰ (2) those employed by federal, state, or local government; (3) those employed full-time by a legal aid organization; and (4) retired attorneys. In addition, often, courts requiring mandatory pro bono service will explicitly relieve counsel from future appointments for a period of time (e.g., one or two years after final disposition of the attorney's previous pro bono case). As a practical matter, courts would not appoint attorneys who have been suspended from practice as a result of attorney disciplinary proceedings. Courts requiring mandatory pro bono service may also explicitly offer an opportunity for attorneys to volunteer their services prior to receiving notification of an appointment - under this approach, those attorneys who volunteer will generally be given an opportunity to accept future pro bono appointments before other attorneys are solicited.

The obvious advantage to mandating pro bono service is the increase in the number of eligible attorneys and, accordingly, the higher volume of cases in which pro bono counsel may be appointed. See, e.g., Dewitt v. Corizon, Inc., 760 F.3d 654, 659 (7th Cir. 2014) (reversing a district court's denial of request for counsel and praising the mandatory pro bono program in the Northern District of Illinois, which "ensures that judges are not put in the position of repeatedly asking the same counsel to take on appointments, and attorneys are not put in the position of being asked time and again to take cases by the judges in front of whom they appear on a regular basis").

A court opting to mandate pro bono service from its bar members assumes the position that "pro bono work is not simply a philanthropic exercise; it is also a professional responsibility." Deborah L. Rhode, *Essay: The Pro Bono Responsibilities of Lawyers and Law Students*, 27 WM. MITCHELL L. REV. 1201, 1205 (2000). To that end, it is worthwhile to note that members of each district's bar have an ongoing obligation to provide pro bono legal services. Rule 6.1 of the ABA's Model Rules of Professional Conduct ("Model Rules") establishes an expectation that attorneys will, as part of their professional requirements, "provide legal services to those unable to pay," setting forth a responsibility to render at least fifty hours of pro bono service each year. *Rule 6.1:*

¹⁰ But see [S.D. Ga. R. 83.11](#) ("In making appointments for attorneys to represent indigent in criminal or civil cases, the Magistrate Judges, the Clerk, and the District Judges shall consider the frequency of the appearances of lawyers in civil or criminal cases in this Court without regard to the residency or principal office maintained by the lawyer. Those lawyers whose appearances predominate in a particular division shall be given preference for appointments in such division, *but* shall be subject to appointment to a case in any division of this Court.").

Voluntary Pro Bono Publico Service, ABA MODEL RULES (Apr. 17, 2019), https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_6_1_voluntary_pro_bono_publico_service/. Although the ABA Rule is not binding in most jurisdictions,¹¹ the jurisdictions within the First Circuit have an ethical rule similar to ABA Model Rule 6.1.¹²

If, instead, the court (or the committee) determines that pro bono service should be voluntary, it will need to address a separate host of issues, including, but not limited to:

- How should the court recruit attorneys to its pro bono program?
- Should the court impose minimum requirements on pro bono panel attorneys (e.g., number of years of experience)?
- Must attorneys apply to the pro bono panel (and, if so, what does the application require?), or can attorneys merely "opt-in"?
- Who will be responsible for maintaining the pro bono panel list, including purging attorneys who have relocated, retired, been suspended or disbarred, or died?

See *infra.*, at Recommendation 3, for a deeper analysis of these and related issues.

2. *How should pro se cases be screened for eligibility for appointment of pro bono counsel?*

The next critical inquiry is how to determine the types of cases in which pro bono counsel will be appointed, the persons/positions responsible for the case screening, and the stage or timing of screening.

¹¹ In the District of Puerto Rico, members of the federal bar are required to "comply with the standards of professional conduct required" by the ABA's Model Rules and the American College of Trial Lawyers' Code of Pretrial and Trial Conduct. [D.P.R. Civ. R. 83E\(a\)](#). Accordingly, ABA Model Rule 6.1 applies directly to the attorneys practicing in the District of Puerto Rico.

¹² M.R. Prof. Conduct 6.1 ("Every lawyer has a professional responsibility to provide legal services to those unable to pay."); *id.* cmt. (1) ("While the ABA model rule specifies an annual number of hours each lawyer should provide, Maine lawyers[] have created a tradition of delivering a nationally recognized high quantity of pro bono services. Because of this professional ethic, Maine attorneys understand any set standard is insufficient to meet the critical need to provide legal services to those individuals and institutions unable to afford them."), https://www.mebaroverseers.org/regulation/maine_conduct_rules.html; Mass. R. Prof'l Conduct 6.1 ("A lawyer should provide annually at least 25 hours of *pro bono publico* legal services for the benefit of persons of limited means."), <https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-307-rules-of-professional-conduct>; N.H. R. Prof'l Conduct 6.1 ("A lawyer should aspire to render at least (30) hours of pro bono publico legal services per year."), <https://www.courts.nh.gov/new-hampshire-rules-professional-conduct>; R.I. R. Prof'l Conduct 6.1 ("A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year."), <https://www.courts.ri.gov/PublicResources/disciplinaryboard/PDF/Article5.pdf>.

Some courts may decide that all cases where self-represented litigants are proceeding in forma pauperis (IFP) are potentially eligible for the appointment of pro bono counsel.¹³ Other courts may limit the types of cases in which pro bono counsel may be appointed. Prior to making this determination, courts should consider their pro se caseload: What types of cases are most frequently filed pro se? Are there case types that pose specific obstacles for litigants proceeding without counsel? For example, some types of cases require expert testimony, which can be difficult for self-represented litigants to secure (and afford). In addition, courts may opt to include or exclude prisoner litigation, which poses a unique set of access to justice issues.

To streamline the process and ensure consistency, courts should consider establishing criteria to determine whether a self-represented litigant's case is eligible for appointment of pro bono counsel. For example, the U.S. District Court for the Southern District of California set forth the following factors for consideration:

1. the inability of the *pro se* party to retain counsel by other means,
2. the potential merit of the claims as set forth in the pleadings,
3. the nature and complexity of the action, both factual and legally, including the need for factual investigation and evidentiary presentation at motions or trial,
4. whether the *pro se* party has another case pending before [the c]ourt and, if so, whether counsel has been appointed in such case,
5. the degree to which the ends of justice will be served by appointment of counsel, including the extent to which the [c]ourt may benefit from the appointment, and
6. any other factors deemed appropriate.

Plan for the Representation of Pro Se Litigants in Civil Cases, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA (Aug. 3, 2011) https://www.casd.uscourts.gov/assets/pdf/attorney/GO_596.pdf.

Finally, courts must identify who should make the determination to appoint pro bono counsel, and at what stage of litigation. Potential screeners include, but are not limited to:

- Clerk's Office staff;
- Pro se law clerks;
- Chambers' staff;
- District or magistrate judges; or
- External program administrators (e.g., from local bar associations in partnership with the court).

Similarly, courts should determine when in the case the determination to appoint counsel should be made. Some courts prefer to appoint counsel early in the process, to assist self-represented litigants with discovery and with dispositive motions. Others would prefer to appoint

¹³ 28 U.S.C. § 1915(e)(1) ("The court may request an attorney to represent any person unable to afford counsel.").

counsel only when the self-represented litigant has survived a dispositive motion and the matter is clearly headed to trial. A court's approach will depend on the number of attorneys available to accept pro bono appointment, the court's caseload, and whether the case is one which poses specific obstacles for self-represented litigants early in the litigation.

3. *How should pro bono counsel be solicited and appointed?*

The method of selection of pro bono counsel will depend on whether the program is mandatory or voluntary. If mandatory, courts could simply appoint the next attorney in the rotation, leaving the burden on the attorney to move to withdraw if a conflict or other good cause exists. In the alternative, courts with mandatory programs could reach out individually to solicit counsel prior to appointment. Courts with voluntary programs, on the other hand, could solicit counsel individually or by mass communication.

Regardless of whether the pro bono program is mandatory or voluntary, if counsel is to be solicited, courts (or the committees) will need to consider the following inquiries and determine the best options for their respective jurisdictions:

- How will attorney solicitation occur?
- Who will be responsible for soliciting counsel?
- If individual attorneys are solicited, on what bases can counsel decline an appointment?
- If pro bono counsel is appointed and subsequently withdraws, will successor pro bono counsel be appointed?
- On what grounds can counsel move to withdraw from pro bono representation after appointment?

If courts are soliciting pro bono counsel individually, the program administrator will randomly select an attorney from the panel or reach out to the next attorney in a set rotation.¹⁴ Alternatively, if the pro bono panel members have identified particular areas of concentration, the court may reach out directly to those with experience in the case type. In any case, individual communications are typically by email or phone (though, in some courts, these solicitations are docketed) and should set a deadline for a response. If no response is received by the deadline or the attorney declines the appointment, another attorney (either randomly selected or next in the rotation) will be contacted.

¹⁴ In smaller jurisdictions, judicial officers may indicate particular attorneys who would be well-suited to a specific case. Specific selection of counsel may also occur where a local attorney, known to the judge, is uniquely equipped to handle a particular case due to legal or practical experience. While specific selection of counsel may be the best choice in these instances, the court may wish to consider the implications of non-random selection and the optics of "putting a thumb on the scale" for a particular litigant or attorney.

For courts with a voluntary program, another method to secure pro bono counsel volunteers involves the mass publication of pro bono opportunities, either online¹⁵ or via an electronic mailing list. This simpler approach eliminates the need for emails or phone calls to individual attorneys. Typically, the first qualified attorney who responds via email is appointed. However, this method only works if volunteer attorneys are reviewing the webpage or reading the email broadcast and affirmatively responding.

Regardless of the method used to secure counsel, panel members should be provided with sufficient information about the case, including the parties' names to allow for attorneys to conduct a conflict check. Courts may also consider providing counsel with a brief summary of the case, including the case type and the alleged facts, and/or a copy of the docket sheet, the complaint, and/or other relevant documents.

Courts should consider who will be responsible for securing pro bono counsel. This may or may not be the same individual who screens the case for eligibility for pro bono appointment, see supra. For example, court staff may screen the case for eligibility and then ask an external program administrator to reach out to counsel for potential appointment, to minimize court involvement and maintain the appearance of court neutrality in the litigation. Alternately, chambers' staff may screen the case for eligibility and then transfer the matter to clerk's office staff to reach out to counsel or distribute by mass communication, to ensure that the attorney does not feel pressure from a particular judicial officer to accept appointment. In any case, in determining who will secure pro bono counsel, the court should consider:

- If a court staff member will individually solicit pro bono counsel, will this be included in the position description, and does this role have the bandwidth to assume that responsibility?
- If individually soliciting counsel, how will contact be made: by email or phone? If the former, the court might consider drafting a template email to ensure consistency.
- Is it necessary or feasible for a second individual to oversee pro bono solicitations to ensure attorneys are consistently selected and appointed pursuant to the court's policies?
- If counsel is individually solicited, what response deadline should be set for attorneys to accept or decline a case (e.g., three days or one week)?

¹⁵ See, e.g., *Federal Pro Bono Project - Current Volunteer Opportunities*, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA, <https://www.akd.uscourts.gov/federal-pro-bono-project> (last visited Feb. 28, 2024);, *Available Cases*, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, https://www.flsd.uscourts.gov/available_cases (last visited Feb. 28, 2024);, *Available Pro Bono Cases*, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA, <https://www.insd.uscourts.gov/pro-bono-cases> (last visited Feb. 28, 2024);, *Requests for Pro Bono Representation*, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA, <https://www.mtd.uscourts.gov/requests-pro-bono-representation> (last visited Feb. 28, 2024).

- How many attorneys should be contacted before the court determines that appointment is unfeasible? If the court publishes opportunities via mass communication, how long will the court wait until the case proceeds without pro bono counsel?

If attorneys are being individually solicited, courts should consider whether to establish specific limited grounds for declining an appointment (e.g., conflict of interest, workload) or whether attorneys are empowered to decline an appointment for any reason (or for no articulated reason at all). The determination may depend on the size of the pro bono panel (are there enough attorneys for the anticipated pro bono caseload?) as well as the court's and local bar's perspectives on whether pro bono service is a professional obligation or purely voluntary.

In addition, courts should consider how to ensure the self-represented litigant is on notice of the efforts to secure pro bono counsel. In some courts, pro bono counsel will not be sought unless the self-represented party has moved for appointment of counsel. In other courts, however, pro bono counsel may be appointed *sua sponte*, based on the court's determination that pro bono counsel may assist the resolution of the case. In those instances, it would be helpful to give the self-represented litigant notice of the court's decision to seek counsel. For example, the court could enter a public docket note (or, for non-ECF filers, issue a notice) stating that the case had been deemed eligible for appointment of pro bono counsel and, if a pro bono attorney can be secured, an appointment order will issue. If appointment is unsuccessful, a subsequent docket note should enter to notify the litigant that the case will proceed without pro bono counsel.

If pro bono counsel is secured, the court should issue an appointment order in the case, notifying all parties that the self-represented litigant will now be represented by counsel.¹⁶ The order might include some or all of the following:

- Identify 28 U.S.C. § 1915(e)(1) as the source of a district court's authority to appoint counsel to an indigent party and reference any relevant local rule or plan;
- List (and potentially discuss) the factors to be considered for eligibility for pro bono appointment;
- Clarify that appointment is limited to the case in which the order issues;
- Caution the self-represented litigant that appointment of pro bono counsel does not guarantee successor pro bono counsel or pro bono counsel in any other matter;
- Require pro bono counsel to file a notice of appearance or notice of substitution of attorney; and/or
- Direct the clerk's office to serve the self-represented litigant with a copy of the order.

The court should also consider the preferred approach for addressing post-appointment motions to withdraw prior to the conclusion of the case. Some courts may prefer to identify

¹⁶ In some courts, particularly in jurisdictions where pro bono service is mandatory, the order of appointment issues before counsel is notified and aware of the case.

appropriate grounds for withdrawal;¹⁷ others may liberally grant such motions. Finally, in cases where pro bono counsel is granted leave to withdraw, courts should consider whether successor pro bono counsel will be appointed. In those cases, it may be best to leave the decision to the judicial officer assigned to the case to determine whether a second pro bono attorney is likely to develop a successful relationship with the litigant.

4. *Will reimbursement of expenses be allowed, and, if so, what is the process for requesting and paying those amounts?*

Each of the district courts in the First Circuit allow for the reimbursement of expenses to pro bono counsel. These funds are typically sourced from the local bar admission fund. See Guide to Judiciary Policy, Vol. 4, Ch. 6, § 670.20(b)(6) (listing "[r]eimbursement of pro bono counsel for out-of-pocket expenses, payment of compensation to pro bono counsel, and payment of witness fees and expenses for indigent pro se civil litigants" as "proper common uses of local attorney admission funds"). Notably, availability for reimbursement for pro bono counsel will depend upon the financial health of the court's attorney admission fund, as well as other anticipated expenses to be paid from the fund and may fluctuate year to year.

Courts should establish clear expectations about reimbursement to assist pro bono counsel to understand whether reimbursement will be allowed and, if so, how to make a request. A pro bono plan or a local rule setting forth the provisions of the court's pro bono program should include reimbursement information, including:

- Whether reimbursement for actual expenses incurred is allowed;
- Applicable limits for reimbursement;
 - E.g., Is there a total reimbursement limit per case? Is the reimbursable amount for certain expenses limited?
- The party responsible for reviewing and approving requests for reimbursement;¹⁸

¹⁷ See, e.g., [D. Mont. R. 83.6\(d\)](#) (listing the following as grounds for pro bono counsel's motion to withdraw: "(A) counsel has a conflict of interest; (B) counsel and client substantially disagree about litigation tactics or the application of Federal Rule of Civil Procedure 11; (C) serious personal incompatibility makes effective representation impractical; or (D) a compelling reason justifies withdrawal").

¹⁸ In some courts, the presiding judicial officer can grant requests for reimbursement up to a certain amount, and requests exceeding that amount must be approved by the chief judge or another entity. See, e.g., *District court increases pro bono expense reimbursement in response to feedback from federal trial bar*, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS (Feb. 1, 2016), <https://www.ilnd.uscourts.gov/assets/news/Pro%20Bono%20Reimbursements%20NDILL.pdf> ("[T]he judge to whom a pro bono case is assigned is authorized to approve reimbursements up to \$2500, not including expenses related to hiring a court interpreter. If non-interpreter expenses exceed \$2500, the judge will forward the request to the chief district judge, who may approve expenses up to \$5000. If a case involves difficult or complex matters, prior to incurring expenses over \$5000, the pro bono attorney may petition the Executive Committee of the district court to

- Types of expenses that are reimbursable;¹⁹
- Whether prior authorization for incurring expenses must be sought for an expense to be reimbursable;
- The timeline for requesting reimbursement;
- The documentation required to support a valid request for reimbursement; and
- The method of disbursement of court funds.

Anecdotally, many jurisdictions reported that pro bono attorneys made few reimbursement requests - perhaps because the law firms were able to absorb the financial burden, or because the pro bono attorney was unsure how to submit a request for reimbursement and did not want to spend the time to make a request. In addition to establishing specific procedures for requesting reimbursement, it may be helpful to amend the courts' attorney admission fund plans to allow for such reimbursement from the funds. See U.S. District Court for the District of Maine, [Attorney Admission Fund Plan](#), at III(C)(6) (Apr. 10, 2015) ("When *pro bono* counsel has been appointed by this Court to represent an indigent party in a proceeding in this Court, that attorney may petition the Court for reimbursement of fees and expenses incurred in the preparation and presentation of the proceeding, subject to the restrictions of this Plan.").

approve additional expenses by submitting a written request for preapproval to the assigned judge, who upon approval will forward to the chief district judge.").

In contrast, in the District of Colorado, all requests for reimbursement of expenses are made to a local federal bar association, the Faculty of Federal Advocates (FFA). [D. Colo. Atty. R. 15\(i\)\(2\)](#) ("The FFA shall have exclusive, final, non-appealable authority over the funds available to it for reimbursement of litigation expenses and the reimbursement of litigation expenses incurred by a member of the [Pro Bono] Panel in the representation of an unrepresented party.").

¹⁹ Potentially reimbursable expenses include, for example: mileage and cost of lodging and meals incurred during case-related travel; copy costs; computerized research; deposition costs; witness and service of process fees; expert witness costs; and postage.

As a reminder, courts can exempt pro bono attorneys from Electronic Pacer Access (EPA) fees incurred in connection with their pro bono representation. [Guide to Judiciary Policy](#), Vol. 4, Ch. 6, § 630.20(a).

Recommendation 2: In implementing new or modified pro bono programs, courts and/or their pro bono committees should review local rules and policies and propose necessary amendments or stand-alone plans.

Discussion

Each district court, "acting by a majority of its district judges," is tasked with adopting and amending rules governing its practice, "[a]fter giving public notice and an opportunity for comment." Fed. R. Civ. P. 83(a)(1); Fed. R. Crim. P. 57(a)(1); see also 28 U.S.C. § 2071. Many courts, including several First Circuit jurisdictions, have promulgated local rules concerning pro se procedures. See Andrew Hammond, *The Federal Rules of Pro Se Procedure*, 90 FORDHAM L. REV. 2689, 2729 (May 2022) (Appendix A: collecting pro se-specific rules in the U.S. district courts).

The Districts of Massachusetts, New Hampshire, and Rhode Island have promulgated local rules concerning pro se practice in those jurisdictions. See [D. Mass. R. 83.5.5](#); [D.N.H. L. R. 4.3](#); [D.R.I. R. Gen. 205](#). The District of Puerto Rico has formalized its mandatory pro bono program in its [D.P.R. Civ. R. 83L](#).

Regardless of whether the court's pro bono program will be mandatory or voluntary, setting forth expectations of how and when pro bono counsel will be solicited and appointed will aid both self-represented litigants and members of the bar. In crafting these rules, courts should include, as appropriate, their determinations on the questions posed in Recommendation 1 as to pro bono policies and procedures.²⁰

²⁰ Reviewing the relevant local rules of other districts can be helpful in determining potential amendments. For example, the Local Rules of the District of Connecticut clarify that "[t]he Court considers any attorney appointed under this Local Rule to be a volunteer on behalf of a governmental entity for purposes of the Volunteer Protection Act of 1997 [], 42 U.S.C. §§ 14501-05, as long as such attorney does not receive an award of compensation for services in excess of \$500 per year (other than reasonable reimbursement or allowance, approved by the Court under this Local Rule, for expenses actually incurred)." [D. Conn. Civ. R. 83.10\(c\)\(5\)](#). While this provision does not render malpractice insurance unnecessary (as it does not immunize a volunteer from claims for gross negligence or for punitive damages), it can provide some support and peace of mind to pro bono volunteers.

Recommendation 3: In developing and maintaining a pro bono panel, a court should employ appropriate methods to: (1) recruit a sufficient number of participants; (2) provide adequate training and/or support to appointed pro bono counsel; and (3) retain attorneys as pro bono participants.

Discussion

Developing and maintaining a pro bono panel furthers the goals set forth above. Through developing and implementing a specific plan to recruit, train, support, and maintain a roster of pro bono attorneys, courts ensure that litigants are appointed counsel who can provide adequate representation.

Admittedly, recruiting and retaining a sizeable and quality pro bono panel require considerable administrative resources. However, the goal is that these efforts enable successful pro bono representation in cases that would otherwise proceed with self-represented litigants, and, thus, the upfront efforts will lessen the total amount of judicial time and resources expended during the course of that litigation. The greater the effort applied to securing a sizeable pro bono panel, the more cases in which pro bono counsel can be appointed.

Moreover, the development of these pro bono panels also serves to improve the relationship between the bench and bar, for the same reasons that pro bono programs do. See supra, at Recommendation 1.

Notably, some of the work described below will vary significantly between jurisdictions for multiple reasons, including whether the pro bono program is mandatory or voluntary. For example, in a mandatory program, recruitment of attorneys will be unnecessary, as all non-exempt members of the court's bar would be eligible for pro bono appointments. Partnering with a law school clinic may also minimize the need for heavy recruitment, particularly in districts with smaller pro se caseloads.

Courts should consider including some or all of the information below in their pro bono plans or local rules concerning their pro bono programs.

A. Pro Bono Panel Selection Criteria and Applications

Before initiating recruitment efforts, each court should develop standards for its panel. Primarily, courts will want to consider whether to require a certain amount of experience before an attorney is appointed pro bono or if attorneys can be appointed regardless of experience level. If the latter, the court may consider developing mentorship opportunities, pairing newer attorneys with seasoned mentors who can provide guidance as appropriate, to ensure adequate representation. Relatedly, if a court's pro bono program is limited to specific case types, the court should consider whether to require experience in those types of cases (or mentorship from attorneys who practice in those areas).

The courts should then consider developing individualized application forms and/or processes based on those selection criteria. Some jurisdictions allow attorneys to volunteer by email or via an online form²¹; others require the paper form to be submitted to the court²². Applications or forms that inquire into attorney language skills may also enable the court to pair pro bono counsel with non-English speaking litigants in particular need of representation.

Courts may consider allowing law firms to apply to the panel as a single entity, identifying a contact person, to enable any attorney from that firm to be appointed and to broaden the pool of volunteers. The application process may require that volunteers certify that they are members in good standing of the jurisdictions in which they are barred. (Courts may also want to impose an explicit requirement that attorneys notify the courts if they are the subject of disciplinary action, to ensure that self-represented litigants are not disadvantaged or poorly represented.)

Typically, pro bono panels are self-renewing: panel members are not required to reapply on a cyclical basis. If a court proceeds this way, it may want to consider how the pro bono panel membership list will be updated periodically, to reflect attorneys who have moved out of the jurisdiction, retired, died, or been disbarred. To that end, courts may want to consider imposing a specific obligation that their pro bono panel members provide notice of relocation, retirement, or disciplinary proceedings in other courts.

B. Recruitment of the Pro Bono Panel

In developing pro bono programs, courts will want to establish methods of bar outreach to seek volunteers for their pro bono programs. Courts report particular success when these efforts are made by judicial officers - for example, a letter issued by the chief judge²³ or an in-person plea

²¹*Pro Bono Program*, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK, <https://nysd.uscourts.gov/attorney/probono> (last visited Feb. 28, 2024) ("If you are interested in serving as pro bono counsel for a party in a civil action, please email pro_bono@nysd.uscourts.gov for more information. You can sign up to receive regular updates about pending cases in need of pro bono counsel."); *Change of Pro Bono Preference Form*, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND, <https://www.mdd.uscourts.gov/sites/mdd/files/forms/ProBonoUpdateForm%20%281%29.pdf>; *Application to Pro Bono Panel*, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY, <https://www.njd.uscourts.gov/sites/njd/files/ProBonoApplication.pdf> (can also be returned by mail).

²² *The Civil Pro Bono Panel*, UNITED STATES DISTRICT & BANKRUPTCY COURTS FOR THE DISTRICT OF COLUMBIA, <https://www.dcd.uscourts.gov/sites/dcd/files/probonopamphlet.pdf>; *Pro Bono Volunteer Application*, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON https://www.ord.uscourts.gov/index.php/component/rsfiles/download-file/files?path=civil_forms%252Fpro_bono%252Fforms%252FPro%2BBono%2BApplication%2Bto%2BParticipate.pdf&Itemid=1581.

²³ See, e.g., Chief Judge William E. Smith, *Letter - to Federal Practitioners*, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND (July 1, 2014),

made by a judge during an annual conference. These requests should explain what membership on the pro bono panel would mean - how many appointments could counsel expect each year, and in what types of cases? These recruitment drives should also explain whether reimbursement will be allowed and, if so, any limits to those funds.

In addition to efforts by judicial officers, courts should distribute information by way of press release posted on their websites and mass email to bar members. Courts may also consider asking bar organizations to circulate recruitment material to their members. See Attachment B (a non-exhaustive list of bar organizations operating in each jurisdiction of the First Circuit, including general associations, affinity bar groups, and organizations based on locality, area of the law, or type of practice).

Critically, courts should regularly consider whether the size of their pro bono panels are sufficient for the needs of the court. If courts determine that access to justice goals would be furthered by a greater number of pro bono appointments than is possible with the current pro bono panel roster, they should be sure to continue regular recruitment efforts.

C. Training and Support for the Pro Bono Panel

Providing procedural and substantive resources to pro bono counsel may assist with recruitment and solicitation of volunteer attorneys. For example, the website for the U.S. District Court for the District of New Jersey provides a pro bono primer and an overview of section 1983 litigation, among other resources. See *Pro Bono*, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY, <https://www.njd.uscourts.gov/pro-bono> (last visited Feb. 28, 2024). Similarly, the District of Colorado provides a federal court prison litigation handbook for attorneys and publishes biannual newsletters (the *Pro Bono Panel Periodical*) with up-to-date relevant information. *Civil Pro Bono Panel - Details, and Available Cases*, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO, <http://www.cod.uscourts.gov/AttorneyInformation/CivilProBonoPanel-Details,andAvailableCases.aspx> (last visited Feb. 28, 2024).

For courts able to partner with local bar organizations on their pro bono programs, it may be possible to collaborate on training options with those organizations. The Southern District of New York, for example, partnered with the Federal Bar Council's Access to Counsel Project, which provides educational programming, including "targeted skills-based training to help train lawyers for pro bono service." *Access to Counsel Project*, FEDERAL BAR COUNCIL,

<https://www.rid.uscourts.gov/sites/rid/files/documents/cvprobono/InvitationtoJoinPanel-070114.pdf> (announcing adoption of the court's pro bono plan and inviting applications); Chief Judge Tanya Walton Pratt, *Letter to Members of Southern District of Indiana Bar*, U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA (Dec. 1, 2023), <https://www.insd.uscourts.gov/sites/insd/files/Chief%20Judge%20Letter%20Re%20Volunteer%20Counsel%20for%20Indigent%20Litigants.pdf> (recognizing the district's "ongoing and urgent need to provide counsel for indigent litigants in certain civil cases" and noting the court's continued investment "in resources to assist volunteer and recruited counsel, including continuing legal education programming and materials").

<https://www.federalbarcouncil.org/access-to-council-project/> (last visited Feb. 28, 2024). The District of Colorado partners with its local federal bar organization, the Faculty of Federal Advocates, to provide trainings to pro bono volunteers (e.g., "Representing Pro Bono Clients in Federal Court, Part 1: Civil Rights & Employment Law" and "Part 2: Incarcerated Clients.").²⁴

D. Pro Bono Panel Retention

To retain pro bono panel members (and assist with recruitment efforts), courts may consider various methods of recognizing pro bono service. Anecdotally, these are most beneficial when volunteer attorneys have the opportunity to meet one-on-one with judicial officers. Courts may consider posting or distributing a letter from the chief judge to pro bono volunteers²⁵, list an "honor roll" of attorneys who have provided pro bono service²⁶, or hold an event to honor the pro bono volunteers²⁷. The court may also consider publishing an annual report to provide insight into the program, its highlights, available resources, and acknowledge volunteers.²⁸

²⁴ STANDING COMMITTEE ON PRO SE LITIGATION OF THE U.S. DISTRICT COURT, 2022 U.S. DISTRICT COURT - CIVIL PRO BONO PANEL ANNUAL REPORT 8 (United States District Court for the District of Colorado 2022) http://www.cod.uscourts.gov/Portals/0/Documents/AttInfo/2022_Pro_Bono_Panel_Annual_Report.pdf (listing training opportunities during the year).

²⁵ Honorarium from Chief Judge Laura Taylor Swain, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK (Jan. 30, 2024), https://nysd.uscourts.gov/sites/default/files/pdf/ProBono/From%20Chief%20Judge%20Swain_S_DNY%20Pro%20Bono_Year-End%20Appreciation%20Letter%20FINAL.pdf ("Even where litigants do not prevail, pro bono representation ensures that their inability to hire an attorney did not limit their opportunity to be heard. And the Court benefits from the cumulative effect of pro bono service too: with timely appearances by responsible pro bono counsel, cases move along more swiftly and judges are able to address more cases more thoroughly and more efficiently. We thank you for your service to the court and its litigants.").

²⁶ *Pro Bono Program - Pro Bono Honor Roll*, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE, <https://www.nhd.uscourts.gov/pro-bono-program> (last visited Feb. 28, 2024) ("recogniz[ing] those attorneys who have demonstrated a commitment to pro bono legal work").

²⁷ Alexa Shrake, *IN Southern District honors court-appointed attorneys with appreciation breakfast*, THE INDIANA LAWYER, (Feb. 15, 2024) <https://www.theindianalawyer.com/articles/in-southern-district-honors-court-appointed-attorneys-with-appreciation-breakfast>.

²⁸ See, e.g., 2022 U.S. DISTRICT COURT - CIVIL PRO BONO PANEL ANNUAL REPORT, *supra* note 24 at 9-13 (reporting pro bono case data and acknowledging the list of attorneys and law firms who accepted cases in the relevant period).

Recommendation 4: Courts should develop and maintain electronic and print resources for self-represented litigants, including, but not limited to, forms and information concerning the court's Pro Bono Plan.

Discussion

Information about the importance of maintaining and regularly updating forms that are easy for self-represented litigants to understand and use is discussed at length in the September 5, 2025 Memorandum from the Form Simplification and Translation Working Group. For the purposes of a pro bono program, courts should consider developing forms and other written resources, including, but not limited to, a form motion for appointment of counsel and material concerning the pro bono program. Development of these resources serves the goals outlined above as improved access to information translates to improved access to justice. Moreover, informed litigants are more efficient and effective, regardless of whether they are represented by counsel.

A form motion should include fields for the litigant to explain how their case meets the relevant factors for appointment. Written material for self-represented litigants concerning a court's pro bono program should include:

- The types of cases in which pro bono counsel may be appointed;
- Details about the process for soliciting and appointing counsel;
- An explanation that the litigant is not required to accept appointment of counsel and can continue to proceed without representation; and
- What the litigant can expect (and should not expect) from appointed counsel.

Offering these forms and resources to self-represented litigants will provide critical information about the pro bono process, outline litigants' rights and responsibilities, and facilitate pro bono representation.

**FIRST CIRCUIT JUDICIAL COUNCIL
ACCESS TO JUSTICE COMMITTEE -
DISTRICT COURTS' SUBCOMMITTEE**

**RECOMMENDED BEST PRACTICES
FOR MEDIATION OF PRO SE CASES**

**First Circuit Access to Justice Committee
District Courts' Subcommittee Members**

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Introduction

In September 2022, Chief Circuit Judge David Barron appointed the First Circuit Judicial Council Access to Justice Committee, chaired by Judge Joseph N. Laplante of the District of New Hampshire and charged with assessing, researching, and developing resources related to access to justice. This Committee divided into subcommittees based on court type, including this District Courts' Subcommittee. This Subcommittee was further divided into three Working Groups: Mediation; Pro Bono Programs; and Form Simplification.

Based on its review of resources and mediation practices in the Circuit and nationally, as well as significant relevant research, the Subcommittee sought to develop a document that would provide concrete recommendations for the courts to improve the structure, scope, and implementation of such resources and programs. This document is the product of the Subcommittee's efforts.

For purposes of this document, the Subcommittee focuses on (1) best practices for mediating cases with pro se litigants, and (2) guidance on the development and maintenance of pro bono programs for the limited scope of mediation, as such programs enable courts to appoint counsel for the sole purpose of mediation to otherwise self-represented litigants who cannot afford counsel and who consent to such representation.

With that framework, this document sets forth the goals of the Subcommittee in promulgating these Recommended Best Practices and outlines its recommendations related to district court mediation practices. As part of its work, the Mediation Working Group met with judicial officers and/or staff from each district in the Circuit to better understand the districts' current pro se mediation practices and limited scope pro bono appointment processes, if any. During those conversations, district representatives described the extent to which mediation is offered for cases with self-represented litigants and any issues that typically arise in connection with mediating those cases. The district representatives also discussed whether limited scope pro bono appointments are available in their jurisdictions and, if so, the systems for appointment, costs and benefits of their approaches, and potential areas of guidance where the Subcommittee could provide insight. These forthright and insightful discussions informed the Subcommittee's recommendations.

The District Courts' Subcommittee recognizes that district courts' approaches to mediating and appointing limited scope pro bono counsel vary significantly for compelling reasons, including, but not limited to, availability of skilled mediators, state and federal parties' interest in mediation, resource availability, size and culture of the local bar, and local restrictions on limited scope appointments. Accordingly, the Subcommittee does not contemplate that each district would adopt every Recommended Best Practice related to mediation, but instead seeks to provide a framework for individual courts to assess the possibility of limited scope pro bono appointments for purposes of mediation in pro se cases.

Goals and Benefits of Mediating¹ Pro Se Cases

Goal/Benefit 1: Increasing equity among litigants

As set forth in the September 5, 2025 Memorandum from the Form Simplification and Translation Working Group, self-represented litigants have filed an average of 20% of new civil cases in the First Circuit district courts over the last five years. Participation of these self-represented litigants in mediation (with or without the assistance of counsel) can further the goals of access to justice in multiple ways. For example, mediation "offers the [self-represented] litigant a more creative, faster, less expensive, and less contentious resolution to their dispute. Mediation is also a confidential process where the litigant can play a role in determining the outcome of the dispute." Joan Hogarth, *Access to Justice for the Pro Se Litigant in Mediation: A New York City Experience*, 65 FED. LAW., no. 6, Aug. 2008, at 88.

Mediation offers self-represented litigants an opportunity to be actively involved in the process and to feel that their complaints have been heard:

As a mediator, more and more often I tell parties that justice isn't something that is necessarily achievable in mediation (which, incidentally, is the same thing I used to tell clients about litigation). I tell them that mediation offers a host of other possible benefits, including closure, insight, clarity, acceptance, and unlike litigation, direct involvement and control for the parties themselves. These possibilities often provide what the parties were seeking when they came to the court in the first place - and help them leave feeling that they have indeed had access to justice.

Rebecca Price, *Limited-Scope Pro Se Program Provides Access and Justice*, GPSolo Magazine, American Bar Association (September/October 2016), at 61.

Enabling self-represented litigants to participate in mediation can serve to equalize the parties. Pro se litigants who do not have the resources to engage in complex discovery, including

¹ Alternative dispute resolution (ADR) is the overarching term used to describe "[a]ny procedure for settling a dispute by means other than litigation." Alternative Dispute Resolution, Black's Law Dictionary (11th ed. 2019). Courts use various ADR techniques, including mediation and settlement conferences. Briefly, mediation is commonly defined as "[a] method of nonbinding dispute resolution involving a neutral third party who tries to help the disputing parties reach a mutually agreeable solution." Mediation, id. Mediation typically focuses on supporting communication between the parties, is a wholly voluntary process, and guarantees confidentiality. See Hon. William P. Lynch (Ret.), District of New Mexico, *Why Settle for Less?: Improving Settlement Conferences in Federal Court*, 94 WASH. L. REV. 1233, 1240-1241 (2019). While similar to mediation in many ways, settlement conferences focus on facilitating settlement, not merely communication; are conducted by federal district or magistrate judges; may be mandatory; typically require parties attend with "full settlement authority"; may result in the issuance of sanctions in the absence of good faith participation; may involve the flow of information from the judge to the parties; and may not guarantee confidentiality. Id. at 1241-1242. The scope of this document does not address contrasting benefits of mediation and settlement conferences.

obtaining expert witnesses and producing expert witness reports and testimony, are on equal footing with counseled defendants during mediation, when a court-appointed mediator can provide a neutral analysis of the relevant claims.

Goal/Benefit 2: Maximizing efficient use of judicial resources

Pro se cases often require more work for judges and court staff than counseled cases: "Pro se cases impose disproportionate strains on courts. According to a 2011 study by the Federal Judicial Center, clerks and chief judges cited excessive time demands, incomplete and illegible submissions, difficult and unstable litigants, and limited understanding of court procedure." Judiciary News, Pro Se Centers Help Even the Odds for Litigants Without Lawyers, United States Courts (Aug. 20, 2015), <https://www.uscourts.gov/news/2015/08/20/pro-se-centers-help-even-odds-litigants-without-lawyers>. The use of mediation can streamline issues for litigation and, in some cases, render trial unnecessary.

Court-sponsored mediation in pro se cases has the potential to benefit all involved in litigation, including the judicial officers and court staff, especially when some form of advocate or limited appointment counsel supports the self-represented litigant:

When one considers the underlying goal of justice for all, mediation with its expeditious, efficient approach to resolving a dispute is good. Combine that with access to free mediators and the pro se litigant is greatly advantaged. Yet not all pro se litigants understand mediation or desire mediation. Having an advocate to explain the mediation process and to take the pro se litigant through the parts of the process that are most challenging, have led to [] reported success. The advocate may be more measured in the process while the pro se litigant with a lot of emotional attachment may not be.

Additionally, the court benefits. The judges and court personnel are now able to be more impartial. The mediator can remain the neutral party in the mediation process, and pro bono attorneys, particularly the law school students, can feel accomplished having negotiated a settlement in mediation.

Hogarth, *Access to Justice for the Pro Se Litigant in Mediation: A New York City Experience*, 65 FED. LAW. at 89. By appointing pro bono counsel for mediation, the court-appointed mediator can focus on impartially analyzing the dispute, and the pro bono attorney, appointed for the limited scope of mediation, can assist the litigant by providing information about the process and advocating for a beneficial resolution. AM. BAR ASS'N - SECTION OF LITIG., HANDBOOK ON LIMITED SCOPE LEGAL ASSISTANCE: A REPORT OF THE MODEST MEANS TASK FORCE (ABA HANDBOOK) 26 (2003), https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaidd_handbook_on_limited_scope_legal_assistance.pdf ("[G]iven that mediation is a collaborative process, when lawyers are involved from the beginning [of the ADR process,] they can help clients to realistically assess their interests, appreciate the interests of the opposing party, and prepare to propose and accept reasonable compromises.").

Goal/Benefit 3: Enhancing the relationships between courts, the bar, and the public

The prior two goals addressed how mediation can benefit the parties by encouraging resolutions that are more satisfying to the parties, less contentious, faster, and less expensive than traditional litigation, and benefit the courts by encouraging more efficient resolution of matters. Collateral benefits and related goals are the improved experience for all mediation participants and the enhanced relationship between the court and the bar and between the court and the public.

Research indicates that mediation and other alternative dispute resolution methods increase public confidence and trust in the courts by providing litigants with a transparent, personal, and comprehensible dispute resolution process that is more satisfying than "having their day in court." Madhawa Palihapitiya, Susan Jeghelian, & Kaila Eisenkraft, *Using Court-Connected ADR to Increase Court Efficiency, Address Party Needs, and Deliver Justice in Massachusetts* 48, 80-81, (Mass. Off. of Pub. Collaboration, Final Research Report, 2019), https://scholarworks.umb.edu/mopc_pubs/23; see also Nancy A. Welsh, *Making Deals in Court-Connected Mediation: What's Justice Got to Do With It?*, 79 WASH. U.L.Q. 787 (2001) (noting that mediation provides a "procedural justice" that impacts parties "perceptions of the . . . justice that is delivered by a dispute resolution process, their compliance with the outcome of the dispute resolution process, and their perception of the legitimacy of the institution providing or sponsoring the process. Ultimately, insuring that mediation comes within a procedural justice paradigm serves some of the courts' most important goals- delivering justice, delivering resolution, and fostering respect for the important public institution of the judiciary.").

For attorneys appearing as opposing counsel to self-represented litigants, expanding mediation processes to include pro se cases has the benefit of potentially shortening or reducing litigation against self-represented litigants, which can be time-consuming (and therefore expensive). In addition, mediation offers these attorneys the opportunity for hands-on mediation experience in federal court and with district and magistrate judges.

To the extent courts consider developing and maintaining a pro bono panel for limited scope appointments to assist self-represented litigants during mediation, the general benefits of pro bono programs are discussed at length in this Subcommittee's Pro Bono Recommended Best Practices, including: increasing the breadth and diversity of the federal bar; improving the quality of practice; and providing an opportunity for attorneys to gain experience in federal district courts.

Current Mediation Practices in Pro Se Cases by District

District of Maine:

In the District of Maine, any case, including prisoner pro se cases, can be mediated if the parties are amenable, but in practice, pro se cases are infrequently mediated. [Local Rule 83.11](#) describes Alternative Dispute Resolution in the District. A case can be referred to mediation at the request of the parties, the magistrate judge, or the district judge at any time. The Court-run mediation program, in which mediations are conducted by magistrate judges, is offered to parties at no cost.

Since 2022, the District has also operated a pilot program, in coordination with the State of Maine's Judicial Branch Foreclosure Diversion Program specifically to provide homeowners in foreclosure suits access to mediation as an alternative to litigation. This program is described in [Interim Local Rule 4](#) and invites homeowners who are party to a case in federal court concerning foreclosure to file a written request for mediation. Upon receipt of such request, the federal case is stayed and the matter referred to the State Court's Foreclosure Diversion Program for state-run mediation.² The mediation session includes the homeowner, the lender, any attorneys on the case, and a neutral mediator.³ Both self-represented and counseled litigants are invited to participate, and nearly 60% of mediated cases have ended without foreclosure since the state initially launched its program in 2010.⁴

The District of Maine's [Local Rule 83.2\(b\)](#) prohibits limited appearances by counsel. Id. ("No appearance shall be allowed purporting to limit the attorney's representation to less than all issues and proceedings."). Accordingly, the development of a program for limited scope pro bono appointments in the District of Maine would require an amendment to its Local Rules, or the appearance of an attorney willing to represent the pro se litigant pro bono for the entire case.

District of Massachusetts:

In the District of Massachusetts, "[p]arties in all civil cases are encouraged to participate in at least one of the ADR programs that are available through this court," which are described in [Local Rule 16.4](#). Senior district judges, magistrate judges, and recalled magistrate judges

² U.S. DIST. CT. DIST. OF ME., PILOT PLAN MAINE FORECLOSURE DIVERSION PROGRAM 5, https://www.med.uscourts.gov/sites/med/files/Foreclosure_Pilot_Plan_for_Web_Final.pdf.

³ The state's mediators are independent contractors with experience in mediation, real estate, law, and foreclosure. STATE OF ME. JUDICIAL BRANCH, FORECLOSURE DIVERSION PROGRAM: REPORT TO THE JOINT STANDING COMMITTEE ON HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES AND THE JOINT STANDING COMMITTEE ON JUDICIARY 3 (2022) <https://www.courts.maine.gov/about/reports/fdp-report-2022.pdf>.

⁴ [Foreclosure Diversion Program, State of Maine Judicial Branch https://www.courts.maine.gov/programs/fdp/index.html](https://www.courts.maine.gov/programs/fdp/index.html).

volunteer to handle ADR matters. Prior to mediation, the self-represented litigant may receive information about the program directly from the referring judge or the assigned mediator.

Pursuant to its [Local Rule 16.4\(c\)\(4\)](#), the District of Massachusetts offers a pro bono mediation program, triggered by request of a self-represented party or the suggestion of the presiding judge. This program is largely administered by the local chapter of the Federal Bar Association (FBA) and offers the appointment of pro bono counsel for civil litigants for the limited purpose of providing legal advice and representation in preparation for and during a mediation. Upon request of an unrepresented party, or if the parties express an interest in mediation at the initial scheduling conference, the District provides the case information to the FBA, which maintains a list of volunteer attorneys who have attended the court's training program. After the FBA forwards the pro bono appointment to the court, the attorney will file a limited representation appearance in the case, signed by counsel and litigant. The Court's rules require that the appointed attorney conduct a "review of the pleadings, communicat[e] with opposing counsel, and [conduct] interviews with the client and such key witnesses as may be necessary in advance of the mediation or early neutral evaluation." [D. Mass. R. 16.4\(c\)\(4\)\(A\)](#). The limited representation terminates once the ADR is complete and any resulting settlement agreement is executed, but the pro bono attorney may choose to remain on the case. The FBA holds an annual judicial reception to recognize the contributions of volunteer attorneys.

District of New Hampshire:

The District of New Hampshire has an ADR program described in [Local Rule 53.1](#). The District's cases are ordinarily assigned to ADR at the request of the parties, but sometimes a judge will refer parties, including pro se parties, to mediation sua sponte at an appropriate point in the litigation process. Mediation is most frequently conducted by district or magistrate judges. The judge-mediator's role includes informing self-represented litigants of the mediation process and its terms, including confidentiality, to elicit the needed information and to set expectations. Typically, this communication is done through pre-mediation conferences, either with parties together or in individual meetings, and mandatory mediation documents exchanged by the parties. There is also a formal program with a panel of independent mediators, but it is rarely used.

In the District of New Hampshire, Magistrate Judge Andrea Johnstone is preliminarily evaluating the feasibility and advisability of proposing the development of a pilot program for early mediation in pro se prisoner cases. The court is reviewing such programs in other courts, and working to identify stakeholders in, and barriers to, the implementation of a pilot program. As currently envisioned, the pilot program would identify cases filed by pro se prisoners that might be good for mediation (based on criteria to be developed) at or around the time of the preliminary screening required by 28 U.S.C § 1915A(a) and [Local Rule 4.3\(d\)\(1\)](#), and would then engage the parties in a pre-mediation conference and/or mediation process before significant resources of time, energy, and money are expended by the parties and the court.

District of Puerto Rico:

The District of Puerto Rico's [Local Rule 83J](#) on Court-Annexed Mediation states that "[a]ll civil cases arising under the jurisdiction of this court are eligible for mediation." This program does not specifically address mediation with self-represented litigants because the Court has such a robust mandatory pro bono program that it is very rare for litigants to participate in mediation without counsel. See [D.P.R. Civ. R. 83L](#).

The official court-annexed mediation, which utilizes outside mediators, is expensive for parties: The "reasonable rate" of compensation for the mediator is equally borne by the parties, and the Local Rules do not provide for an automatic exemption for litigants proceeding in forma pauperis. As a result, cases with pro bono counsel are typically mediated by the judges themselves if the parties proceed to mediation.

District of Rhode Island:

The District of Rhode Island's current ADR plan notes that all civil cases are eligible except bankruptcy and social security matters, and that prisoner matters may be referred, but only at the sole discretion of the Court. Self-represented litigants in prisoner cases frequently request mediation, but both parties must consent to participation and the State of Rhode Island rarely gives its assent. When mediation is conducted with a self-represented litigant, a magistrate judge typically serves as the mediator and will hold a pre-mediation call with the parties to discuss what the mediation will entail, who will be involved, what the parties' and mediator's roles will be, to set expectations in advance, and address any concerns raised by the pro se parties.

The District of Rhode Island has recently instituted a new program to review all its practices in pro se cases; exploring a protocol for mediation in appropriate cases is a priority of that new program. The program anticipates developing a proposal after consultation with several constituent groups, including the Court's Advisory Council, the Magistrate Judges and the District Judges who have been most involved with mediation and settlements, as well as after studying the practices of other courts.

Recommendation 1: Courts should consider referring self-represented cases to mediation, including setting standards and processes for referral.

As detailed above, mediation of pro se cases can improve access to justice and maximize efficient use of judicial resources. Notwithstanding these benefits, some jurisdictions do not refer cases with uncounseled parties to mediation, or do so seldomly, for various reasons including, but not limited to, the requirement of trained mediators to mediate pro se cases, and the hesitance of common defendants in pro se cases (e.g., the state attorney general's office or its department of corrections) to engage in ADR.

A court considering referring more pro se cases to mediation should seek to engage relevant stakeholders for its district in the planning process - including, for example, those who typically serve as mediators, the court clerk's office, and the people who review and process pro se cases, as well as representatives from the state agencies that are frequently the subject of pro se complaints in that jurisdiction and/or the State's Attorney General. It may be helpful to include multiple representatives in this process, as different state actors do not and cannot speak with one voice and will have different concerns and reasons for participating in or refraining from mediation; the more opportunity these stakeholders have to share their concerns, and to work with the court to find ways to address them, the more likely it is that reluctant state agencies will come to the mediation table and that the mediation of pro se cases will be successful. The voluntary nature of mediation is critical - efforts to resolve the case are most effective if both parties agree to discuss the possibility of a mutually agreeable solution or settlement - so involvement by these agencies to define the terms of mediation in pro se cases will likely make the program more robust.

Typically, the magistrate or district judge assigned to a case should not also serve as the mediator. Instead, the ordering judge will refer the matter to another judge or other neutral mediator for mediation. Depending on the structure of a district's ADR program, courts could utilize individuals in the following roles as mediators:

- District judges;
- Senior district judges;
- Magistrate judges;
- Recalled magistrate judges⁵;
- Bankruptcy judges⁶;
- Court employed mediators; and/or
- Volunteer mediators.

⁵ Pursuant to 28 U.S.C. § 636(h), a retired magistrate judge may, upon the consent of the chief district judge, agree to be recalled to serve as magistrate judge.

⁶ In the District of Maine, for example, the district court frequently refers matters to a bankruptcy judge in the district who is an experienced mediator.

With regard to volunteer mediators, some courts maintain a panel of private attorneys willing to be appointed to mediate a case. Courts considering this option will encounter many of the same issues that arise with the development of pro bono programs generally, including recruitment, training, and maintenance of the panel of volunteer attorneys. See Subcommittee's Pro Bono Recommended Best Practices, Recommendation 3, for more information and guidance on these matters.

Recommendation 2: Courts should consider developing and/or updating their plans to allow for limited scope appointments⁷ of counsel for the purpose of mediation.

The Subcommittee's goals, outlined above, are furthered by establishing or maintaining a court program which allows for the appointment of pro bono mediation counsel. Information about engaging stakeholders, the factors to consider when developing a general pro bono program, and methods of establishing a pro bono panel are discussed at length in Recommendations 2, 3, and 4 of the Subcommittee's Pro Bono Recommended Best Practices. This Recommendation instead focuses only on the issues related to the development and maintenance of a pro bono program for limited scope appointments for the purpose of representing otherwise self-represented parties in mediation.

The following questions (and commentary) are issues for courts to consider when developing a program for appointing limited scope pro bono counsel for mediation:

- **What types of pro se cases will be eligible for referral to mediation?** Courts are encouraged to adopt an expansive approach to mediating pro se cases, rather than limiting access to mediation based on case type (e.g., prisoner rights; bankruptcy; social security).
- **Who will make the determination to refer a case to mediation and/or to appoint pro bono counsel?** This could be a district or magistrate judge, a pro se law clerk, or the referral could be automatic in all pro se cases.
- **At what point will that decision be made?** The referral to mediation could occur after the initial case screening, after the resolution of any dispositive motions, and/or before trial.
- **Will referral be made upon request by the self-represented litigant, the counseled party, or sua sponte by the court?** If the decision to refer a pro se case to mediation is made sua sponte by the court, the parties should have an opportunity to decline to participate in mediation. Pursuant to Fed. R. Civ. P. 16(a), courts might consider making a robust inquiry into the possibility and potential benefits of mediating a particular case during the mandatory conference, with the understanding that, after the conference, the parties would have an opportunity to decline to participate in mediation.
- **Who will serve as mediator?**⁸ See Recommendation 1, supra, for common court-appointed mediator roles.

⁷ The term "limited scope legal assistance" is frequently referred to as "'unbundled' or 'discrete task' representation, 'limited scope assistance', or just 'limited assistance' or 'limited representation.'" ABA HANDBOOK at 5.

⁸ In addition to the resources already discussed in this document and in this Subcommittee's Pro Bono Recommended Best Practices, another population of the bar that might be a resource for courts working to develop limited scope pro bono panels is the group of experienced attorneys

- **How will the court handle an increased mediation caseload?** A district should consider their pro se caseload in determining whether its current cadre of mediators is sufficient to handle an increased volume of mediations or if additional mediators may be necessary. In addition, courts should consider the impact of increased mediation on clerk's office staff and security staff, and try to minimize additional burdens to those individuals. Courts should consider whether mediations might be conducted by video conference rather than in person.
- **Will there be a standard format for mediations with limited scope pro bono counsel?** Courts should consider whether the default will be separate or joint preliminary conferences and the types of pre-mediation documents that will be required.
- **What information will be available to self-represented litigants about the limited appointment of counsel?** Some courts develop written materials, for example, informational documents or guidelines provided to self-represented litigants so they know what to expect from their court-appointed counsel during mediation and what their obligations will be during the process.⁹
- **Will there be a form for self-represented litigants to request limited appointment of counsel?** Courts may consider developing a form for self-represented litigants to request the appointment of counsel for purposes of mediation.
- **What is expected of limited scope-appointed counsel prior to a formal mediation session with a mediator? What other types of obligations might the appointment include?** A pro bono attorney appointed for the limited purpose of mediation, in addition to or in lieu of actually conducting the mediation on the pro se litigant's behalf, "could be responsible for any of a variety of discrete duties: filing the mediation position papers, explaining the legal issues of the case to the pro se litigant, preparing the litigant to negotiate the settlement, assisting the litigant to negotiate the settlement, or reviewing a settlement agreement." Hogarth, *Access to Justice for the Pro Se Litigant in Mediation: A New York City Experience*, 65 FED. LAW. at 89.
- **Are there any educational resources or trainings available to appointed counsel with regard to mediation best practices and/or the substantive area of law at issue in the case?** It may be useful for districts to offer joint CLE trainings for attorneys interested in volunteering as mediation counsel.¹⁰ As described above, the District of Massachusetts

who may be nearing retirement and have decreasing workloads but who are still covered by malpractice insurance.

⁹ See, e.g., E. DIST. OF N.Y., *FAQs: ADR Pro Se*, <https://www.nyed.uscourts.gov/court-info/faq/ADRPROSE> (last visited May 17, 2024).

¹⁰ See, e.g., E. DIST. OF MO., *FEDERAL PRO BONO COUNSEL TRAINING SEMINAR 42-45* (2019), <https://www.moed.uscourts.gov/sites/moed/files/documents/ProBonoCounselTrainingSeminar.2019-Materials.pdf>.

has a robust limited scope pro bono program in partnership with the local chapter of the Federal Bar Association. Districts that are able to partner with a local bar association may be able to develop a similarly successful program that enables the appointment of limited scope pro bono counsel to self-represented litigants without overburdening the court with administration of the program.

- **What efforts should the court make to engage common state agency defendants to participate in mediation?** See Recommendation 1, *supra*, for further discussion on working with common state agency defendants early in the process.
- **What is the standard applied if appointed counsel moves to withdraw in advance of mediation? Will successor counsel be appointed?** The reason for the requested withdrawal may be critical in determining the reasonableness of appointing successor counsel -- was there a breakdown in communications because the self-represented litigant was particularly difficult to work with, or is the appointed attorney moving or retiring or otherwise unavailable to serve as limited scope counsel?
- **After mediation, must counsel be appointed for the limited purpose of mediation move to withdraw, or is withdrawal automatic?** For pro bono counsel appointed for the limited scope of mediation, it may be most efficient to allow for automatic withdrawal of counsel upon completion of mediation, whether or not the mediation was successful.¹¹
- **Can law school students be utilized for limited scope representation in a mediation program?** While schools' quarters, trimesters, or semesters can impede the participation of students in the full representation of pro se clients through the conclusion of dispositive motions and/or trial, the short-term appointment for purposes of mediation may be well-suited to law students. In the Southern District of New York, for example, student participants in Seton Hall Law School's Representation in Mediation Practicum "had the opportunity to advocate on behalf of [pro se litigant[s] in the employment cases by preparing mediation statements, negotiating on behalf of the pro se litigant, participating in the mediation sessions and helping to draft settlement agreements." Hogarth, *Access to Justice for the Pro Se Litigant in Mediation: A New York City Experience*, 65 FED. LAW. at 89. When examining this possibility, courts should be mindful of existing rules concerning practice by law students. See, e.g., [D. Me. Local Rule 83.4](#); [D. Mass. Local Rule 83.5.4](#); [D.N.H. Local Rule 83.2\(c\)](#); [D.P.R. Local Rule 83B](#); [D.R.I. Local Rule Gen 206\(e\)](#).

¹¹ See, e.g., [D. Mass. R. 16.4\(c\)\(4\)\(C\)](#) ("The court-appointed representation shall terminate, and appointed counsel shall have no further obligation to advise or otherwise appear on behalf of the party, when the alternative dispute resolution process is concluded and any resulting settlement agreement is executed."); [E.D. Mo. R. 6.02\(D\)\(3\)](#) ("The Court-appointed representation will terminate, and appointed counsel will have no further obligation to advise or otherwise appear on behalf of the party, when the ADR process is concluded and any resulting settlement agreement is executed.").

Recommendation 3: Courts should develop and maintain electronic, video, and print resources for self-represented litigants concerning mediation.

Information about the importance of maintaining and regularly updating forms that are easy for self-represented litigants to understand and use is discussed at length in the September 5, 2025 Memorandum from the Form Simplification and Translation Working Group. For the purposes of mediation of pro se cases (both uncounseled cases and cases with limited scope pro bono appointments), courts should consider developing forms and other written resources, including, but not limited to, a form motion for requesting limited scope counsel and material explaining the mediation process to the self-represented litigant. These forms should be available to litigants both electronically and in hard copy.

Development of these resources serves the goals outlined above as improved access to information serves the dual objectives of enhancing equity for self-represented filers and increasing judicial efficiency by decreasing the demand on judges, clerks, and clerk's office staff. The existence of resources specifically directed towards self-represented litigants may allow those litigants to feel more recognized and empowered by the court system. More practically, when provided with accessible information, self-represented litigants are better able to make informed decisions whether to request mediation or limited scope representation and what to expect from the mediation process. Providing accessible resources may also streamline the process by preparing self-represented litigants before mediation (for example, by listing the paperwork or relevant documents to bring to mediation) and focusing discussion during mediation to the benefit of all interested stakeholders.

The production of readily identifiable electronic and print resources may also ease some of the tension caused by self-represented litigants' requests for legal advice from court employees.¹² In lieu of turning away questions, court staff could direct self-represented litigants to targeted, written resources, which will alleviate some of the frustration pro se litigants experience in trying to find answers to their questions.

¹² See 28 U.S.C. § 955 (prohibiting court employees from engaging in the practice of law).



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MEMORANDUM

TO: First Circuit Judicial Council Access to Justice District Courts' Subcommittee

FROM: Form Simplification and Translation Working Group

CC: Florence Pagano and Ana Dubrovsky

DATE: September 5, 2024

SUBJECT: First Circuit Judicial Council Access to Justice District Courts' Subcommittee,
Form Simplification and Translation Working Group -- Summary and
Recommendations

Background and Introduction

In recognition of the federal judiciary's responsibility to "[p]ursue improvements in the delivery of fair and impartial justice on a nationwide basis," Judicial Conference of the United States, Strategic Plan for the Federal Judiciary (Strategic Plan) (September 2020), p. 5, Chief Judge Barron, as Chair of the First Circuit Judicial Council, established the First Circuit Judicial Council Access to Justice Committee (Committee), in the fall of 2022. The Committee was charged with exploring the access to justice resources available throughout the First Circuit and nationally, and developing recommendations to improve their structure, scope, and implementation in the circuit. See First Circuit Judicial Council Access to Justice Committee Charter, Mission Statement, and Composition, September 2022.

Chief Judge Barron appointed Judge Laplante, of the U.S. District Court for the District of New Hampshire, to chair the District Courts' Subcommittee. See First Circuit Judicial Council Access to Justice Committee Charter, Mission Statement, and Composition, September 2022 (providing for three subcommittees addressing access to justice in the First Circuit Court of Appeals, district courts, and bankruptcy courts, respectively). In furtherance of its charge to explore available pro bono programs and resources, including local court rules, procedures, and forms, the District Courts' Subcommittee (Subcommittee), in turn, formed three working groups focusing on the following areas:

- Pro Bono Programs;
- Mediation; and
- Forms Simplification and Translation (Forms Simplification).¹

This report summarizes the work of the Forms Simplification Working Group (Working Group) and offers recommendations for the district courts in the circuit to engage in ongoing efforts to make their documents "clearer and simpler to use." See Strategic Plan, *supra*, Strategy 6.2, p. 22. After reviewing resources currently available across the circuit, the Forms Simplification Working Group engaged in a limited review of initiatives underway in an effort to "simplify legal processes and systems so that people can navigate procedures, forms, and interactions with clerks and judges without legal help." Process Simplification: A State Court Tool Kit (NCSC Jan. 2022) (last visited February 20, 2024) (hereinafter "NCSC, Tool Kit") at 1.² As discussed in Section I, below, this review demonstrated that, while the district courts in the circuit have significant resources for pro se litigants, ongoing form and document simplification is integral to improving unrepresented litigants' access to justice.³ As described in Section II, below, the Working Group proceeded to identify a number of tools available to assist courts with this process, and, thereafter, collaborated with the Legal Innovation and Technology Lab at Suffolk University Law School in a pilot program to simplify a sample of the district courts' forms. Based on this experience and mindful of the district courts' varying practices and procedures for modifying and adopting court forms, the Working Group presents to the Subcommittee, in Section III below, proposed recommendations for establishing a mechanism for ongoing review and improvement of the district courts' forms and other documents used by unrepresented litigants, in an effort to continue to improve their simplicity and functionality.

The Working Group hopes that this memorandum can become part of a comprehensive report and best practices document submitted by the District Courts' Subcommittee of the Access to Justice Committee to Chief Judge Barron and the First Circuit Judicial Council for review, approval, and distribution circuit wide.

I. Form Simplification - Why It Is Needed

Traditionally, access to justice has meant at minimum the effective capacity to bring claims to a court, or to defend oneself against such claims. Although many courts allow parties to represent themselves, it

¹ Since its inception, the District Courts' Subcommittee has met three times, twice in 2022 and once in 2023; the Forms Simplification Working Group met four times in 2023, and held two training sessions with the Suffolk Law School Legal Innovation and Technology Lab. See *infra*. The Mediation and Pro Bono Working Groups each convened once in 2023 and 2024, respectively, with multiple additional meetings of smaller subgroups and staff.

² The Forms Working Group also examined the languages in which the state and commonwealth courts within the First Circuit provide forms to the public. See generally Laura K. Abel, *Language Access in the Federal Courts*, 61 *DRAKE L. REV.* 593 (2013); see also Judicial Conference of the United States, Long Range Plan for the Federal Courts, at 113-114 (1995) ("All court personnel should receive enlightened education and training that addresses the difficulties experienced by court users unfamiliar with the courts, who speak a language other than English . . . After assuring that the particular need in a defined locality is sufficient and continuing, courts should ensure that their personnel understand the diverse cultural perspectives and that they are providing quality service to those justice seekers not fluent in English."). See also AO Unofficial Dual Language Forms, and Guide to Judiciary Policy, Vol. 22, Ch. 1, Sec. 150.15.

³ The First Circuit Bankruptcy Appellate Panel (BAP), which engages with many unrepresented litigants, see *infra* note 4, also participated in the forms simplification effort.

is clear that effective access usually requires the services of a competent lawyer, since lawyers hold the monopoly of rights of practice in courts and the skills and experience that accrue from that practice. The costs of litigation, however, are very high - in court costs, administrative costs, witness fees, and lawyers' fees - so much so that even middle-class parties are foreclosed from using the courts for any but routine transactions unless they can tap into financing from some other source, such as contingent fees and attorney-fee awards paid by the adverse party, or state subsidized legal services.

Robert W. Gordon, *Lawyers, the Legal Profession & Access to Justice in the United States: A Brief History*, 148 DÆDALUS 177, 178 (Winter 2019). See also [NCSC, Tool Kit](#), at 4, citing Benjamin H. Barton and Stephanos Bibas, *Rebooting Justice* (pp. 8-9), Encounter Books, Kindle Edition ("For the first century of this country's existence, a literate citizen could represent himself in court effectively. We have drifted so far from those roots that some regard simplification as impossible and argue that the only answer is to find more lawyers to handle more cases. To the contrary, the only realistic answer is to lessen the need for lawyers.").

Over each of the past five years, self-represented litigants have filed between 30 and 40% of all new appeals in the First Circuit, an average of 20% of the new civil cases in the circuit's district courts, and up to 5% of new bankruptcy cases. See Attachment A at pp. 1-3.⁴ Further, the vast majority of prisoner litigation (including mostly challenges to prison conditions, allegations of civil rights violations, and habeas corpus petitions) is filed by inmates proceeding without representation. See Attachment A at p. 4. Over the past five years, more than three quarters of all prisoners filing suit in the First Circuit were designated pro se. See *id.*

Given the predominance of self-represented litigants, meaningful access to justice necessitates that courts provide "comprehensive, readily accessible information about court cases and the work of the courts" to litigants and bankruptcy participants. Strategic Plan, Goal 6.21, p. 22. Importantly, appreciable access to justice involves translation of complex concepts, procedures and forms into information that is easily understood by those people who do not practice law. In its Making Justice Accessible Project, the Academy of Arts and Sciences "advances a set of clear, national recommendations for closing the gap between the supply and the demand for legal assistance for low-income Americans," one of which is to "expand efforts to make legal systems easier to understand and use through the simplification of language, forms, and procedures, and the wider use of technology." American Academy of Arts & Sciences, *Civil Justice for All: A Report and Recommendations from the Making Justice Accessible Initiative* (2020) at iv and 21.⁵ The authors explain that "the current court systems in the United States were created by lawyers for lawyers," and suggest that, given the "complexity of the legal process, . . . [s]implification is [an] essential need of American civil justice." *Id.* at 21. Courts seeking to improve access to justice "should proceed on the assumption that most people pursuing matters in court are not lawyers and do not have lawyers representing them, and . . . should include the translation into plainer language of the

⁴ Between calendar years 2019 and 2023, over half (53.1%) of BAP appeals were filed pro se. See generally Table BAP-1, U.S. Bankruptcy Appellate Panels—Cases Commenced, Terminated, and Pending, by Circuit, During the 12- Month Periods Ending December 31, 2019 through December 31, 2023; and Table BAP-13, U.S. Bankruptcy Appellate Panels—Pro Se Cases Commenced, Terminated, and Pending, by Circuit and Chapter, During the 12- Month Periods Ending December 31, 2019 through December 31, 2023.

⁵ See [Civil Justice for All: A Report and Recommendations from the Making Justice Accessible Initiative](#) (last visited March 13, 2024).

way the law is described and enforced and a substantial revision of forms, procedures, and other barriers to entry to courts and other tribunals." *Id.* at 21.⁶

Although they vary in scope and structure, each of the First Circuit District Courts already has significant resources intended to support unrepresented litigants, including a guide for pro se litigants available on its website, with links to information such as a glossary of legal terms, a flow chart for a case, relevant rules and forms, instructions on privacy protection and electronic filings, and information concerning attorney referral and legal aid services.⁷ These resources are summarized in the Appendix. Nonetheless, the Forms Simplification Working Group recognizes the importance of "establish[ing] a governance model so that [form] redesign efforts are sustained long-term . . . [, including] a system of accountability and clear processes for continuously improving and expanding on redesign."⁸

II. Form Simplification - How to Do It

Form simplification is one element of "process simplification," which is the "simplif[ication of] legal processes and systems so that people can navigate procedures, forms, and interactions with clerks and judges without legal help." As recommended in the Resolution of the Conferences of Chief Justices and State Court Administrators, *see supra* note 6, the NCSC developed a Process Simplification Toolkit intended, in part, to "advance a court's ongoing review of ensuring that its policies and processes are more just, equitable, and inclusive for all its users." [NCSC, Tool Kit](#). It involves "developing court processes that are easy to understand, learn, and use [by] tak[ing] a complex process and split[ing] it up into more simple tasks." *Id.* at 9.

2. While courts may choose to pursue broader process analyses and simplification efforts, the Form Simplification Working Group is focused on the simplification of forms and other resources used by unrepresented litigants.¹⁰

As part of its process simplification endeavor, the NCSC held a 2022 Plain Language Forms Camp, including nine webinars on improving court forms, and addressing form design, plain language, accessibility, user testing, automation, and revision.¹¹

⁶ See also [Authorizing Resolution: In Support of Process Simplification](#), Conference of Chief Justices and the Conference of State Court Administrators, July 28, 2021 (resolving to "support and urge the [NCSC] to develop a process simplification toolkit to identify lessons learned from process simplification reforms from across the country") (last visited February 6, 2024).

⁷ The district courts in the circuit also offer a number of resources for connecting pro se litigants with counsel and/or for providing mediation services. As these topics are addressed by the Pro Bono Programs and Mediation Working Groups, respectively, they are not addressed herein.

⁸ [A Guide for State Agencies Seeking to Improve their Processes: Preparing for Human-Centered Redesign: A Readiness Guide for State and Local Public Benefits Agencies Looking to Improve Applications, Renewals, and Correspondence](#), Civilla and The Beeck Center for Social Impact + Innovation at Georgetown University, at 27 (Fall 2021).

⁹ The Tool Kit includes, in part, a Process-Mapping Guide that provides a strategy for "system improvement" including "identify[ing] the court process they are examining and [] isolat[ing] the steps involved in the process," and an Inventory Checklist that consists of a series of prompts that examine each step of the subject court process, inquiring, for example, how many forms are necessary to complete an action. [NCSC, Tool Kit](#) at 7-11.

¹⁰ "A form is any document, including letters, postcards, and memoranda, that contains blank spaces for entering and extracting information, descriptive material, or addresses." [Guide to Judiciary Policy](#), Vol. 22, Ch. 1, Sec. 160. See also *id.*, Vol. 22, Ch. 5 (providing recommended procedures for modifying national forms and for developing a local forms management program).

¹¹ See [Forms Camp 2022 | NCSC](#) (last visited January 19, 2024).

- Form design involves assessing forms from the users' perspective, and asks whether a form is usable, useful, and engaging to the user.¹²
- Plain language "is understood by your intended audience the first time it is read."¹³
- Accessibility involves accommodating litigants with limited English proficiency, low literacy, and people with disabilities.¹⁴
- "'User testing' is the process of providing the end user with the form and asking them to complete it, identify pain points and areas of satisfaction."¹⁵
- Form Review and Revision involves developing a process for on-going forms' revision.¹⁶

It is worth noting that an effective form review and revision process requires, in part, soliciting and/or appointing needed participants, taking care to avoid including too many; identifying a regular review schedule; implementing mechanisms for monitoring the form review process, form history, and approval process; and establishing document procedure (number/name conventions) and usage controls (when a new form may be used). See [Forms Camp 2022 | NCSC - Form Review & Revision](#) at 24 (last visited February 6, 2024). To determine which forms to revise first, courts should consider form usage data, including the types of civil cases frequently involving pro se parties, and other available information, anecdotal or otherwise, on the cases' relative complexity, e.g., which forms receive the most questions from litigants. See *id.* at 29-30. In revising forms, it is suggested that courts: develop a form standard and templates that are used for all forms (font, appearance, formatting, etc.); facilitate plain language training; and follow a clear revision and approval process and schedule. See *id.* at 30-31.

¹² See [Forms Camp 2022 | NCSC - Designing Court Forms](#) (last visited February 6, 2024), and [Forms Camp Day 1: Accommodating Litigants](#) (providing key design principles, including, but not limited to, clear narrative, clear hierarchy, standardized layout, white space, and a limited number of fonts and colors; essential elements of a court form, including, but not limited to, official credential, title/purpose, deadline, headlines, instruction, questions, tasks, and links for help) (last visited January 19, 2024).

¹³ See [Forms Camp 2022 | NCSC - Using Plain Language to Improve Court Forms](#) (last visited February 6, 2024) and [Forms Camp Day 2: Using Plain Language Writing to Improve Court Forms](#) (for example, use active voice, present tense, familiar words; do not use Latin, all caps, legalese, such as "hereby, shall, aforementioned, pursuant to, wherefore, hereinafter," etc., and acronyms) (last visited January 19, 2024).

¹⁴ See [Forms Camp 2022 | NCSC - Accommodating Litigants with Limited English Proficiency, Low Literacy, and People with Disabilities](#) (last visited February 6, 2024) and [Forms Camp Day 3: Accommodating litigants with limited English proficiency, low literacy and people with disabilities](#) (last visited January 19, 2024) (A complex area, this program addresses avenues for promoting inclusive service in courts where self-represented litigants experience many of the common barriers to meaningful participation in their cases: low literacy; low English proficiency; lack of familiarity with the court process; disability; and the digital divide.).

¹⁵ See [Forms Camp 2022 | NCSC - User Testing Court Forms](#) (last visited February 6, 2024) and [Forms Camp - User Testing: If you love your forms, let them go](#) (Noting that only five users are needed for testing and recommending testing in the early or mid-design stages of form development) (last visited January 19, 2024).

¹⁶ See [Forms Camp 2022 | NCSC - Form Review & Revision](#) and [Forms Review & Revision](#) (describing the forms review and revision process in Maryland and Minnesota, presenting suggestions for creating a forms review process, and noting that, in Maryland, the state judiciary's Forms Subcommittee, which meets twice annually, was established by the Judicial Council to develop, revise, vet, approve, and distribute all judiciary-wide forms, brochures, and informational documents (over 900 court forms) for internal court staff and the public, on an ongoing basis) (last visited January 19, 2024).

It is evident that using "plain language" is critical to form and document simplification. See [NCSC, Tool Kit](#) and NCSC, *Promoting Access to Justice with Plain Language*.¹⁷ The NCSC emphasizes that courts should use plain language because they have a duty to communicate clearly and effectively with users. Plain language, in the form of understandable court forms, orders, and brochures, not only improves access to courts, but it also promotes public trust and confidence in the courts, and efficiency. See *id.*¹⁸ Notably, the Massachusetts Trial Court is one of a number of courts that created a forms management governance structure and adopted plain-language standards.¹⁹ The federal government has also implemented multiple initiatives for prioritizing a plain language approach; for example, the Plain Writing Act of 2010 requires federal agencies to use clear communication that the public can understand.²⁰ The use of plain language in forms, manuals and other resources also help pro se litigants understand their responsibilities, local court practices and case management practices that are unique to the local court. By increasing the pro se litigant's understanding of filing practices and forms, litigants are more likely to meet the rule or practice criteria for filing successfully in federal court and clerk's office staff can review and process pro se filings more efficiently.

Suffolk University School of Law Legal Innovation and Technology Lab Pilot Project

While there is a wealth of guidance available on the use of plain language,²¹ the Forms Simplification Working Group engaged in a pilot project with the Suffolk University School of Law Legal Innovation and Technology Lab (Suffolk Lab) to explore and implement some of its available tool simplification tools.²² With the help of judges and court unit executives, the Working Group identified several employees from each district court and the BAP to receive training from David Colarusso, Co-Director of the Suffolk Lab, on two of its publicly available tools, including <https://suffolklitlab.org/form-explorer/compare/> and <https://ratemypdf.com/>. These tools allow court staff to measure key metrics, such as readability, length and number of fields, sentence structure, and density of fields, in any given form, and to compare the form with analogous forms from around the country in order to calculate a "complexity" score and incorporate recommendations providing for simplifying the form.²³ Thereafter, participating

¹⁷ See NCSC, *Promoting Access to Justice with Plain Language*, [May FCF Presentation - Plain Language](#), see also [Glossary 5.17.2023.pptx | Powered by Box](#), and [Interactive Plain Language Glossary | NCSC](#) (last visited January 5, 2024).

¹⁸ The NCSC explains that plain language initiatives are all the more important because 50% of American adults read at a 7th-grade level or below. See *supra*, [NCSC, Tool Kit](#), and [Forms Camp 2022 | NCSC - Using Plain Language to Improve Court Forms](#) at 12.

¹⁹ See Massachusetts Trial Court, "Simplification and standardization of court forms," [Perma | Simplification and standardization of court forms](#) (January 2018) (last visited May 1, 2024) and "Readability Guidelines," [Perma | Readability Guidelines](#) (October 2013, revised January 2018) (last visited May 1, 2024).

²⁰ See *id.* and [Forms Camp 2022 | NCSC - Using Plain Language to Improve Court Forms](#), at 13.

²¹ See, e.g., <https://www.plainlanguage.gov/>; see also [National Institute of Corrections, A Happy Compromise: Applying People-First Standards with Plain Language in Mind](#) (last visited February 6, 2024) (Explaining that use of "people-first language," defined as politically correct, humanizing language that avoid using words that define people by their condition and instead use words that describe them as "people first" such as "person in custody" instead of "inmate.").

²² See [The LIT Lab \(suffolklitlab.org\)](#) (last visited January 22, 2024) (Beginning during the pandemic, the lab began by converting and simplifying a number of Massachusetts' state court forms so they were available on-line, see [Court Forms Online \(MassAccess\)](#), and now includes a guide for designing interactive legal applications for any platform. Multiple foundations funded the development of the Suffolk Lab's tools which are currently publicly available free of charge and remain in beta testing.). See also [Forms Camp 2022 | NCSC - Document Assembly & Form Automation](#) (last visited February 6, 2024) and [Forms CAMP, Session 6: Document Assembly and Form Automation](#) (last visited January 22, 2024) (describing the advantages of interactive forms).

²³ See [Scoring form complexity with RateMyPDF | The Document Assembly Line Project \(suffolklitlab.org\)](#) and [Find and Compare Forms \(suffolklitlab.org\)](#) (last visited January 22, 2024). The tools provided by Suffolk Lab should be used for public documents only.

court staff engaged in a pilot project over the following months to evaluate and simplify their courts' forms, on a trial basis, based, in part, on the forms' relative "saliency," a product of their complexity and frequency of use. See id.

In the fall of 2023, relevant staff met with the Forms Simplification Working Group and with David Colarusso to review the project. While the courts' experiences varied, it was agreed generally that the tools provided valuable information, such as the need for introductory text, prevalence of complex language, and a reduced complexity score in some of the courts' forms and documents with use of the suggested language modifications.²⁴ That said, the participating courts have different needs and rule-approval procedures that necessarily impact the form simplification process. For example, the District of Puerto Rico typically offers dual language forms that made it somewhat more complex to use the tools (by requiring the submission of the English version only). Further, courts have varying procedures for modifying forms; some will need to involve a local rules committee to approve any forms changes, while other document changes can proceed more easily. The BAP reported that it has already implemented a number of changes to several of its forms, based upon the tools' recommendations.

III. Form Simplification - Recommendations

Recognizing that an ongoing document/form simplification effort is integral to improving unrepresented litigants' access to justice circuit wide, and any such effort should reflect the varying needs, practices, and procedures of each court in the circuit, see supra, the Forms Simplification Working Group offers the recommendations, below, based on its work to date.

Recommendation 1: The First Circuit Judicial Council should appoint a standing committee, the First Circuit Judicial Council Forms Simplification Committee (Committee), comprised of one or more representatives from each district court, (including, but not limited to, the clerk, chief deputy clerk, or the clerk's designee) to coordinate an ongoing effort to simplify the district courts' forms and pro se resources. See supra p. 4 (recognizing the importance of "establish[ing] a governance model so that [form] redesign efforts are sustained long-term . . . [, including] a system of accountability and clear processes for continuously improving and expanding on redesign" [citation omitted]). The Committee should convene biannually to review and share a minimum of two forms (or other pro se resources) that each district has simplified since its last meeting and share any insights representatives have concerning the forms simplification initiative. The Committee may also wish to develop additional forms that support their pro se mediation and pro bono programs. See First Circuit Access to Justice Committee - District Court's Subcommittee, Recommended Best Practices for Mediation of Pro Se Cases, at 14 ("For the purposes of mediation of pro se cases . . . , courts should consider developing forms and other written resources, including, but not limited to, a form motion for requesting limited scope counsel and material explaining the mediation process to the self-represented litigant."), and First Circuit Access to Justice Committee - District Court's Subcommittee, Pro Bono Recommended Best Practices, at 26 ("For the purposes of a pro bono program, courts should consider developing forms and other written resources, including, but not limited to, a form motion for appointment of counsel and material concerning the pro bono program.").

Recommendation 2: The Committee representative from each district should work with the staff and judges of the court to develop an individualized approach for ongoing form and document simplification that is consistent with the court's form review process, local culture, and needs.²⁵ See supra p. 5 (discussing needed elements of an effective form review and revision process, including the appropriate participants, schedule, testing, and monitoring mechanisms). In doing so, the court should consider its caseload, specifically, the frequency and types of pro se cases, see supra pp. 5-7 (discussing importance of form usage data and information on their relative complexity to determine the forms' "saliency" [citation omitted]).²⁶ See also Pro Bono Programs Working Group, Recommendation 3 ("Courts should develop and maintain electronic and print resources for self-represented litigants, including, but not limited to, forms and information concerning the court's Pro Bono Plan."). The court should employ available tools, including, but not limited to, those provided by the Suffolk Lab and others discussed above, to improve their forms' readability and functionality.²⁷ The court should employ methods to evaluate the efficacy of its simplification efforts, including by comparing the volume of non-compliant forms submitted by self-represented litigants before and after they are revised, as well the relative frequency of requests for assistance with completing these forms from their clerk's offices, when possible.

²⁴ The district courts and the BAP used a variety of local and national forms for this project, including, but not limited to, the Application to Proceed Without Prepaying Fees (AO240), Civil Complaint Form, Guidance Concerning Service of Process, Handout for Self-Represented Parties, general motion form, Petitions/Motions under 28 U.S.C. 2254 (AO241) and 2255 (AO243), 1983 Complaint Forms (PROSE-014,-015), Employment Discrimination Complaint Form, and Notice to Parties/Counsel Confirmation of Oral Argument. See also [AO Pro Se Forms](#) (These forms PROSE-001 - 015 include a number of common civil causes of action, defendant's answer, and prisoner and non-prisoner civil rights actions, and there are no analogous forms for counseled cases.).

²⁵ In doing so, the court may wish to establish a formal local forms management program. See Guide to Judiciary Policy, Vol. 22, Chapter 5, Sec. 540.10 ("A federal court unit that has created 10 or more local forms should consider establishing a local forms management program to review, establish, adopt, amend, and manage its local forms."), and Sec. 540.20 ("A court unit that intends to establish a local forms management program may consult with the AO Deputy Director's Office on the suggested elements of a local program, including: the assignment of form numbers and edition dates, a review process to ensure that forms are still in use and up to date, the creation and maintenance of historical form files, preferred or acceptable form layouts, and standards for printed forms, such as paper weight, color, and size.").

²⁶ Committee representatives may also want to consult with each other on the forms selected for simplification in order to avoid duplication of effort, share resources, and maximize productivity.

²⁷ The District of Rhode Island has its own Access to Justice Committee, which began in 2023 and is comprised of members of the bar, judges, and court staff. The goals of this committee include reviewing existing programs for unrepresented litigants, considering additional programs and resources, and promoting awareness of programs through outreach and communication with the bar and the broader community. See Report of March 22, 2023 Meeting. The court has indicated an interest in working with this committee in its form review effort.

Attachment A

Attachment A

Self-Represented Litigants in the First Circuit Courts - Statistics

Pro Se and Total Cases Commenced in the First Circuit and Nationally For 12-Month Periods Ending December 2019 through December 2023¹					
	2019	2020	2021	2022	2023
First Circuit					
Pro Se Cases (% of Total)	451 (34.0%)	462 (37.3%)	355 (33.4%)	382 (37.0%)	452 (40.1%)
Total Cases	1,326	1,238	1,062	1,031	1,127
National Total					
Pro Se Cases (% of Total)	24,241 (49.0%)	22,880 (48.6%)	20,712 (47.2%)	19,048 (46.6%)	18,495 (46.4%)
Total Cases	49,421	47,070	43,888	40,869	39,896

Civil Pro Se Filings, by District and Nationally, For 12-Month Periods Ending December 2019 through December 2023²					
	2019	2020	2021	2022	2023
D. Me.					
Pro Se Cases (% of Total)	110 (18.9%)	105 (21.0%)	92 (23.8%)	154 (35.2%)	117 (25.1%)
Total Cases	582	500	387	437	467
D. Mass.					
Pro Se Cases (% of Total)	653 (21.8%)	501 (18.5%)	502 (20.6%)	567 (21.8%)	664 (18.5%)
Total Cases	3,002	2,705	2,438	2,601	3,596
D.N.H.					
Pro Se Cases (% of Total)	192 (15.0%)	123 (10.4%)	125 (11.8%)	153 (27.1%)	274 (50.4%)
Total Cases	1,276	1,183	1,062	564	544
D.P.R.					
Pro Se Cases (% of Total)	159 (13.0%)	129 (16.6%)	95 (13.9%)	128 (18.0%)	114 (16.9%)
Total Cases	1,224	777	683	713	673
D.R.I.					
Pro Se Cases (% of Total)	168 (24.9%)	123 (22.6%)	126 (24.2%)	101 (22.1%)	170 (31.5%)
Total Cases	674	545	520	458	540
First Circuit Total					
Pro Se Cases (% of Total)	1,282 (19.0%)	981 (17.2%)	940 (18.5%)	1,103 (23.1%)	1,339 (23.0%)
Total Cases	6,758	5,710	5,090	4,773	5,820
National Total					
Pro Se Cases (% of Total)	76,512 (25.8%)	289,271 (58.4%)	127,740 (39.0%)	67,917 (25.6%)	109,842 (30.4%)
Total Cases	296,691	495,086	327,863	265,615	360,793

¹ Data for Pro Se Cases Commenced in the First Circuit and Nationally were obtained from the B-9 Table, published by the Administrative Office of the United States Courts (AO).

² Data for Civil Pro Se Case Filings, by District and Nationally, were obtained from the C-13 Table, published by the AO.

Attachment A

Self-Represented Litigants in the First Circuit Courts - Statistics

Bankruptcy Cases Filed by Pro Se Debtors, by District and Nationally, For 12-Month Periods Ending December 2019 through December 2023³					
	2019	2020	2021	2022	2023
Bkrcty. D. Me.					
Pro Se Cases (% of Total)	78 (5.7%)	33 (3.3%)	38 (5.8%)	32 (6.0%)	56 (10.2%)
Total Cases	1,357	1,015	654	534	548
Bkrcty. D. Mass.					
Pro Se Cases (% of Total)	530 (7.0%)	185 (4.2%)	178 (5.1%)	232 (6.9%)	285 (7.4%)
Total Cases	7,622	4,415	3,492	3,384	3,869
Bkrcty. D.N.H.					
Pro Se Cases (% of Total)	141 (7.8%)	45 (4.2%)	43 (5.7%)	87 (12.9%)	81 (11.1%)
Total Cases	1,812	1,081	753	675	732
Bkrcty. D.P.R.					
Pro Se Cases (% of Total)	45 (0.6%)	16 (0.3%)	8 (0.2%)	14 (0.4%)	25 (0.5%)
Total Cases	7,810	5,247	3,977	3,945	4,567
Bkrcty. D.R.I.					
Pro Se Cases (% of Total)	180 (8.8%)	72 (5.1%)	48 (4.8%)	65 (8.2%)	66 (7.8%)
Total Cases	2,036	1,413	992	793	843
First Circuit Total					
Pro Se Cases (% of Total)	974 (4.7%)	351 (2.7%)	315 (3.2%)	430 (4.6%)	513 (4.9%)
Total Cases	20,637	13,171	9,868	9,331	10,559
National Total					
Pro Se Cases (% of Total)	64,103 (8.3%)	31,013 (5.7%)	20,088 (4.9%)	25,463 (6.6%)	33,218 (7.3%)
Total Cases	774,940	544,463	413,616	387,721	452,990

³ Data for Bankruptcy Cases Filed by Pro Se Debtors, by District and Nationally, were obtained from the F-28 Table, published by the AO.

Prisoner Petitions and Civil Cases Commenced, Pro Se Compared to Total, by District, for 12-Month Periods Ending December 31, 2019, through December 31, 2023 ⁷															
		D. Me.		D. Mass.		D.N.H.		D.P.R.		D.R.I.		First Cir. Totals		Nat'l Totals	
		Pro Se	Total	Pro Se	Total	Pro Se	Total	Pro Se	Total	Pro Se	Total	Pro Se	Total	Pro Se	Total
Prisoner Petitions	2023	39 (90.7%)	43	177 (80.1%)	219	206 (93.2%)	221	63 (70.0%)	90	42 (91.3%)	46	527 (85.1 %)	619	46,010 (91.4%)	50,337
	2022	73 (93.6%)	78	174 (80.1%)	215	79 (84.9%)	93	69 (83.1%)	83	31 (86.1%)	36	426 (84.4%)	505	43,634 (91.4%)	47,725
	2021	37 (97.4%)	38	195 (82.3%)	237	56 (88.9%)	63	37 (60.7%)	61	51 (82.3%)	62	376 (81.6%)	461	42,086 (91.2%)	46,160
	2020	48 (84.2%)	57	202 (55.3%)	365	60 (69.0%)	87	72 (76.6%)	94	55 (87.3%)	63	437 (65.6%)	666	48,556 (88.1%)	55,112
	2019	56 (91.8%)	61	259 (76.9%)	337	90 (76.3%)	118	84 (85.7%)	98	68 (90.7%)	75	557 (80.8%)	689	50,587 (91.2%)	55,479
Civil Cases ⁸	2023	117 (25.1%)	467	664 (18.5%)	3,596	274 (50.4%)	544	114 (16.9%)	673	170 (31.5%)	540	1,339 (23.0%)	5,820	109,842 (30.4%)	360,793
	2022	154 (35.2%)	437	567 (21.8%)	2,601	153 (27.1%)	564	128 (18.0%)	713	101 (22.1%)	458	1,103 (23.1%)	4,773	67,917 (25.6%)	265,615
	2021	92 (23.8%)	387	502 (20.1%)	2,438	125 (11.8%)	1,062	95 (13.9%)	683	126 (24.2%)	520	940 (18.5%)	5,090	127,740 (39.0%)	327,863
	2020	105 (21.0%)	500	501 (18.5%)	2,705	123 (10.4%)	1,183	129 (16.6%)	777	123 (22.6%)	545	981 (17.2%)	5,710	289,271 (58.4%)	495,086
	2019	110 (18.9%)	582	653 (21.8%)	3,002	192 (15.0%)	1,276	159 (13.0%)	1,224	168 (24.9%)	674	1,282 (19.0%)	6,758	76,512 (28.4%)	269,691

⁷ Data for this table were obtained from the C-13 Table, US District Courts - Civil Pro Se and Non-Pro Se Filings, by District, published by the AO.

⁸ Civil cases include prisoner and non-prisoner civil cases.

Attachment B

BAR ASSOCIATIONS, BY JURISDICTION

MAINE

Me. Ass'n of Criminal Defense Lawyers	Bringing the defense bar together through an organization dedicated to the needs of criminal defense lawyers and their clients	https://mainemacdl.org/
Maine Trial Lawyers Ass'n	The Association provides advocacy, continuing legal education, public education, membership and marketing services to Maine attorneys and the people they represent. It is a state affiliate of the American Association for Justice.	www.mtla.org
Maine State Bar Association	This voluntary association has over 3,000 members and is guided by three pillars: liberty, equality, and justice. The MSBA's goal is to provide outstanding services to enhance and enrich its members' experiences in the legal profession. This includes a focus on continuing legal education and pro bono services.	www.mainebar.org
Fed. Bar Ass'n - Maine Chapter	An organization committed to the interests, education, and professional development of federal court practitioners.	www.fedbar.org/maine-chapter

MASSACHUSETTS

Mass. Bar Ass'n	A private non-profit professional organization that represents a diverse group of attorneys, judges and legal professionals. The MBA serves the legal profession and the public by promoting the administration of justice, legal education, professional excellence and respect for the law.	https://massbar.org
Asian American Lawyers Ass'n of Mass.	A non-partisan, non-profit organization devoted to serving the Asian American legal community and improving and facilitating the administration of law and justice.	https://aalam.wildapricot.org/
Bar Ass'n of Mass. Municipal Att'ys	The municipal law bar association for Massachusetts. Its members are attorneys providing legal services to cities and towns or devoting a substantial portion of their practice to the advancement of municipal law.	https://www.massmunilaw.org/
Barnstable County Bar Ass'n	Working to improve the administration of justice, enhance the professionalism of the bar, advance the interests of the profession, educate our members and the public about the law, and improve access to justice in our community.	barnstablebarassociation.org
Berkshire County Bar Ass'n	A professional organization for attorneys and judges in Berkshire County interested in promoting the administration of justice and improving the quality of the practice of law.	berkshirebar.com
Boston Bar Ass'n	Our mission is to advance the highest standard of excellence for the legal profession, facilitate access to justice, foster a diverse an inclusive professional community, and serve the community at large.	https://bostonbar.org/

Boston Intellectual Property Law Ass'n	Providing educational programs and a forum for the interchange of ideas and information concerning intellectual property. The Association hosts educational seminars, social events, and other programs, and promotes public understanding and appreciation for IP through education of the judicial, executive, and legislative branches of government by providing amicus briefs, regulatory comments, and feedback to policymakers.	https://bipla.org/
Bristol County Bar Ass'n	A service organization dedicated to improving the quality of the practice of law and providing support to the community, the bench, and the bar on issues relevant to the local community.	bristolcountybar.org
Essex County Bar Ass'n	An organization of attorneys, judges, court clerks, paralegals, and legal administrators with a common goal of furthering access to justice for all throughout Essex County.	essexcountybar.org
Fed. Bar Ass'n - Mass. Chapter	An organization committed to the interests, education, and professional development of federal court practitioners.	https://www.fedbar.org/massachusetts-chapter/
Greater Lynn Bar Ass'n	Serving the legal and economic community surrounding the city of Lynn.	greaterlynnbar.wixsite.com
Greater Lowell Bar Ass'n	The goals of the organization include: uniting its members to better serve the public, fellow lawyers and the court system; improving the legal skills of its members; providing continuing legal education; fostering awareness of, and respect for local, state and federal laws as well as the rights of all persons; and participating in civil, charitable and community projects consistent with its purpose.	greaterlowellbar.org
Hampden County Bar Ass'n	A volunteer organization representing the legal profession, serving lawyers, the justice system and the public. It provides professional support and education to members, and advocacy on behalf of lawyers, the judiciary, and the public.	hcbar.org
Hampshire County Bar Ass'n	An organization composed of attorneys and dedicated to improving the quality of the practice of law in this county, by providing support to the community, the bench, and the bar on issues that are relevant to the local community.	hampshirebar.org
Hellenic Bar Ass'n	Dedicated to cultivating professional excellence, providing educational opportunities, promoting professional development, and encouraging philanthropy, community service, and civic engagement.	hellenicbarassociation.com
Lawrence Bar Association	An active organization working to educate and assist its lawyer members with networking, awards, and recognition of exemplary commitment to the law, and to honor community leaders and students who make their own significant contribution to our communities.	lawrencebar.org
Mass. Academy of Trial Attorneys	Organizational purposes include encouraging public awareness and understanding of the adversary system; assuring that the courts are kept open and accessible to every person for redress of any injury; and encouraging mutual support and cooperation among members of the bar.	massacademy.com

Mass. Ass'n of Criminal Defense Attorneys	Dedicated to preserving the adversary system of justice; maintaining and fostering independent and able criminal defense lawyers; and ensuring justice and due process for persons accused of crimes.	macdl.com
Mass. Ass'n of Hispanic Attorneys	Dedicated to promoting the advancement of Hispanic Americans in the legal profession and benefitting the Hispanic-American community in Massachusetts.	mahaweb.org
Mass. Ass'n of Women Lawyers	Committed to promoting activities directed toward the advancement of women in the profession of law and in society, presenting educational programs and hosting social events where members have the opportunity to network with others in a professional and collegial atmosphere.	maassociationofwomenlawyers.wordpress.com
Mass. Bar Ass'n	A non-profit organization that serves the legal profession and the public by promoting the administration of justice, legal education, professional excellence and respect for the law. A voluntary association, the MBA represents a diverse group of attorneys, judges, and legal professionals across the commonwealth.	massbar.org
Mass. Black Lawyers Ass'n	Advocating for equality, equity, justice, and increased representation throughout the judiciary system, and fostering meaningful collaboration.	mablacklawyers.org
Mass. Black Women Attorneys	Promoting legal education by leading educational seminars, lecture series, and panel discussions on a multitude of legal subjects. The MBWA helps Black women attorneys become more effective advocates to their clients and communities. A dedicated avenue for Black women attorneys of the Commonwealth to build meaningful connections and to serve as a resource for each another.	massblackwomenattys.org
Mass. Defense Lawyers Ass'n	Dedicated to improving the administration of justice, legal education, and professional standards and to promoting collegiality and civility among all members of the bar.	massdla.org
Mass. Employment Lawyers Ass'n, Inc.	The Massachusetts Chapter of the National Employment Lawyers Association. The group's mission is to enforce and advance employee rights, by working to increase awareness, improve advocacy, monitor legislation, and support members in their practices.	massnela.org
Mass. LGBTQ Bar Ass'n	A state-wide professional association of lesbian, gay, bisexual, transgender, and queer lawyers and allies, providing a visible LGBTQ presence within the Massachusetts legal community, focusing on justice, education, support, and leadership.	masslgbtqbar.org
Middlesex County Bar Ass'n	A voluntary membership association open to all attorneys who practice in Middlesex County, maintaining offices at the Middlesex Superior Court in Woburn, Massachusetts.	middlesexbar.org
New Bedford Bar Ass'n	An organization comprised of attorneys who live or practice law in the greater New Bedford, Massachusetts area who are dedicated to maintaining the integrity of the legal practice in the community through mentorship, continuing education programs, and professional support.	newbedfordbar.org

Norfolk County Bar Ass'n	Organizational objectives are to further the cause of justice; to sustain and improve the law and its administration; to ensure conformity to a high standard of professional duty; to make the practice of law efficient in the administration of justice; and to promote the professional, educational, and social interests of the Bar.	norfolkbarassn.org
Plymouth County Bar Ass'n	Dedicated to promoting the science of jurisprudence; supporting reform in the law; facilitating the communication and administration of justice; elevating the standard of integrity, honor and courtesy in the legal profession; educating its members and general public; supporting and donating to charitable causes consistent with the organizational principals; and providing access to justice and legal representation to the public.	plymouthcountybar.com
Real Estate Bar Association (REBA), Boston	Advancing the practice of real estate law while upholding and promoting fair dealing, professional networking and collegiality among members of the real estate bar.	reba.net
South Asian Bar Ass'n of Greater Boston	A local chapter of the South Asian Bar Association of North America. Serving as the regional voice for the concerns and opinions of South Asians in the community generally, and in the legal profession in particular.	sabagb.org
Women's Bar Ass'n	Committed to achieving the full and equal participation of women in the legal profession and in a just society.	wbawbf.org
Worcester County Bar Ass'n	Providing programs and services of interest and assistance to attorneys and the community at large.	worcestercountybar.org

NEW HAMPSHIRE

Fed. Bar Ass'n - NH Chapter	An organization committed to the interests, education, and professional development of federal court practitioners.	https://www.fedbar.org/new-hampshire-chapter/
New Hampshire Bar Association	A mandatory membership organization for attorneys in New Hampshire. Its vision is to be a trusted leader and key partner in serving the interests of lawyers, their clients, the public and the justice system through our continuing commitment to sustaining the values of professionalism, excellence, innovation and access to justice.	https://www.nhbar.org/
NH Association for Criminal Defense Lawyers	A voluntary, professional association of the criminal defense bar in New Hampshire, consisting of solo practitioners, members of large firms, and state and federal public defenders. An affiliate of the National Association of Criminal Defense Lawyers. Its mission is to ensure, safeguard and promote the effective assistance of counsel in criminal cases, to support the lawyers who do this work, to represent in public the interests of criminal defendants, and to preserve the fairness and integrity of the criminal justice system.	https://nhacdl.org/
New Hampshire Association for Justice	A statewide professional association of trial attorneys protecting the constitutional rights of their clients. Its members are given the task of making sure people have a fair	https://www.nhaj.org/

	chance to receive justice through the legal system when they have been harmed by the acts of others.	
New Hampshire Women's Bar Association	Advancing the interests of women in the legal community through leadership, professional interaction, and education. Women in the organization support each other through networking events, continuing legal education seminars, and public service initiatives.	https://www.nhwba.org/
PUERTO RICO		
Fed. Bar Ass'n - PR Chapter	An organization committed to the interests, education, and professional development of federal court practitioners.	https://www.fedbar.org/blog/committee/puerto-rico-chapter/
Bar Ass'n of PR (BAPR) (Colegio de Abogados y Abogadas de Puerto Rico)	A bar association, working for the benefit of both the legal profession and society in general.	https://capr.org/
Puerto Rico Association of Criminal Defense Lawyers	An affiliate of the National Association of Criminal Defense Lawyers.	https://pracdl.typepad.com/
RHODE ISLAND		
Fed. Bar Ass'n - RI Chapter	An organization committed to the interests, education, and professional development of federal court practitioners.	https://www.fedbar.org/rhode-island-chapter/
Rhode Island Bar Ass'n	A mandatory bar association.	Rhode Island Bar Association (ribar.com)
Rhode Island Ass'n of Criminal Defense Lawyers	An affiliate of the National Association of Criminal Defense Lawyers. Works hand in hand with the Department of Public Defender to promote progressive legislative changes and continuing education seminars.	RIACDL.org
Defense Counsel of Rhode Island	The state association of attorneys defending the interests of business and individuals in civil litigation. Committed to enhancing the skills, effectiveness, and professionalism of civil defense lawyers through the provision of resources, continuing legal education and opportunities for collegiality; and to advancing the interests of the civil defense bar and their clients.	https://www.defensecounselri.org/
Rhode Island Women's Bar Ass'n	Promoting the advancement of the status of women in Rhode Island and in the legal profession. The organization offers a forum to discuss and address local, national, and international issues of significance to women generally and to women attorneys in particular, and advocates for the fair and equal administration of justice.	https://www.riwba.com/

Attachment C

LEGAL AID ORGANIZATIONS IN THE FIRST CIRCUIT

Maine¹

Pine Tree Legal Assistance (PTLA):

Maine's oldest and largest statewide civil legal aid provider, dedicated to helping Maine's most vulnerable residents overcome pressing problems of everyday life – domestic violence, homelessness, economic insecurity, financial exploitations, employment issues, and others. PTLA's mission is to ensure that state and federal laws affecting poor people are enforced, while also addressing the systemic barriers to justice that low-income Mainers face. PTLA ensures all Mainers have access to justice.

Immigrant Legal Advocacy Project (ILAP):

Maine's only statewide, comprehensive immigration legal aid agency dedicated to education, advocacy, and representation for low-income new Mainers. ILAP assists clients originating from dozens of countries and living in all sixteen of Maine's counties keep their families together, gain protection from persecution and violence, and move toward economic security.

Legal Services for the Elderly (LSE):

A statewide organization that provides Mainers age 60 and over with free legal help when their basic human needs are at stake. LSE helps seniors stop elder abuse, understand and obtain public benefits including health care benefits, preserve housing by stopping foreclosures and evictions, and stop creditor harassment.

Maine Equal Justice Partners (MEJP):

MEJP's mission is to find solutions to poverty and improve the lives of Maine people with low income. Toward that end, MEJP advocates for fair public policies in the legislature and with governmental agencies. MEJP provides legal representation through impact litigation on systemic issues. MEJP also partners with diverse low-income communities and agencies through outreach, organizing, and education.

Volunteer Lawyers Project (VLP):

Provides free legal information, assistance and representation to people with low incomes facing civil legal issues throughout Maine. VLP's mission, "justice for all," provides legal clinics for family law matters including divorce, child support/custody, and finds pro bono lawyers for civil legal matters including personal bankruptcy, Social Security, unemployment compensation and probate cases.

¹ **The University of Maine School of Law Cumberland Legal Aid Clinic (CLAC)** is one of the six major provider of legal aid to low-income Mainers on a wide range of legal matters, including those involving family, probate, consumer, juvenile, and protection from abuse. This clinic was already included in the law school clinics within the First Circuit.

Massachusetts

Community Legal Aid

Community Legal Aid, Inc. (CLA) is the free civil legal aid provider for residents of the five counties (Berkshire, Franklin, Hampden, Hampshire, and Worcester) of Central and Western Massachusetts.

De Novo Center for Justice and Healing (formerly CLSACC)

De Novo provides high-quality, free civil legal assistance to low-income people living in Greater Boston (Cambridge, Boston, and interior suburbs), and to immigrants and asylum seekers statewide. De Novo offers legal assistance in the areas of housing and homelessness prevention, family law/domestic violence, immigration law, and disability benefits.

Greater Boston Legal Services (GBLS)

Every year Greater Boston Legal Services helps more than 10,000 low-income families and individuals solve their civil legal problems. GBLS represents its clients in court, at appeals, in hearings before administrative law judges, and with advice and paperwork, both as individuals and through partnerships with community organizations. The organization has a special focus on "impact litigation" and its attorneys have frequently submitted appellate briefs and appeared before the state's highest court.

MetroWest Legal Services

MetroWest Legal Services provides legal advocacy to protect and advance the rights of people living with lower income or disabilities, or those who are over the age of 60. The organization assists those in its service in obtaining legal, social, and economic justice. It helps its clients secure access to basic needs and challenge institutional barriers in order to achieve equal justice for all.

Northeast Legal Aid

Northeast Legal Aid (NLA) helps low-income and elderly people of Northeast Massachusetts (North Shore, Merrimack Valley, and other parts of Essex and Northern Middlesex Counties) obtain justice and empowerment through skillful, creative, and persistent advocacy for systemic change and high-quality individual representation.

South Coastal Counties Legal Services

South Coastal Counties Legal Services, Inc. (SCCLS) is a private, non-profit law firm which provides free legal help in priority civil matters to low-income residents of Barnstable, Bristol, Dukes, Nantucket, and Plymouth counties and the towns of Avon and Stoughton in Norfolk County.

Volunteer Lawyers Project

Since 1977, the Volunteer Lawyers Project has strived to give equal access to representation for the people of Greater Boston and statewide under the Landlord Advocacy Project, standing up for those from lower-income households and in need of legal aid. Its mission is to increase access to

justice by delivering high quality pro bono civil legal services to eligible clients in the Greater Boston area, and the areas of practice include bankruptcy; civil appeals; consumer; DotHouse Medical Legal Partnership; unemployment; family law & guardianship; housing; landlord advocacy project; wage and hour; and wills matters.

New Hampshire

603 Legal Aid

603 Legal Aid is the new home of the former NHBA Pro Bono Program. This Concord-based organization serves as the statewide centralized intake for low-income litigants seeking free legal assistance for civil legal issues. Its team depends on partnerships with volunteer attorneys, legal service organizations, and other community partners to provide the highest level of service possible to New Hampshire residents.

New Hampshire Legal Assistance (NHLA)

NHLA provides free legal advice and representation to people with low income and older adults (age 60 and over). NHLA works on civil cases impacting safety and basic needs, such as domestic violence, housing, and benefits including Medicaid, Food Stamps, and disability. People who need legal help should apply through 603 Legal Aid, which refers appropriate cases to NHLA.

Puerto Rico²

Servicios Legales de PR, Inc. (Legal Services of Puerto Rico (SLPR))

SLPR is a private, nonprofit corporation that provides free legal advice, representation, and education in civil cases to qualified low-income individuals and groups. SLPR handles cases involving family, special education, senior citizens, housing, minors, income maintenance, bankruptcy, veterans, civil rights, community and environmental rights, consumer rights, agricultural workers, among others.

Ayuda Legal Puerto Rico (Legal Aid Puerto Rico)

Ayuda Legal Puerto Rico is a non-profit corporation whose purpose is to provide free and accessible legal education and support to low- and middle-income individuals and communities. The organization has five lines of work: (1) promote collaboration between entities in the access to justice community, organizations and communities; (2) provide free and accessible legal education; (3) train legal representatives and students; (4) provide legal support and (5) practice and facilitate community advocacy efforts.

Programa de Ayuda Legal Municipio de San Juan (Municipality of San Juan Legal Aid Program) (Civil Cases, misdemeanors, and basic notary services)

Clínica de Asistencia Legal Escuela de Derecho Universidad de Puerto Rico Recinto de Río Piedras (Legal Aid Clinic University of Puerto Rico School of Law)

² These programs are taken from the Federal District Court's list of legal aid organizations. <https://www.prd.uscourts.gov/sites/default/files/04-LEGAL%20AID%20ORGANIZATIONS.pdf>

The Clinic is part of the curriculum of the academic institution. The Clinic provides legal advice and representation to citizens with limited economic resources before judicial and administrative forums concerning various areas of Law, including: civil, felony and misdemeanor, juvenile, immigration, family, employment, environmental, criminal in federal jurisdiction, community development, intellectual property and entrepreneurship, notary, mediation, and sexual orientation discrimination.

Clínica de Asistencia Legal Escuela de Derecho Pontifica Universidad Católica (Legal Aid Clinic Catholic University School of Law)

The Clinic was inaugurated in 1975, with the purpose of allowing law students to complete their academic preparation and offer legal services to people with limited economic resources. The Clinic has four programs: (1) litigation program, which litigates in the field of civil, administrative, criminal, juvenile, labor, and combined law; (2) administrative program; (3) Legal Officer Program and (4) Federal Program.

Oficina Legal de la Comunidad Escuela de Derecho Universidad Interamericana PR (Community Law Office)

The Community Law Office Clinic is an integral part of the curriculum of the Inter American University School of Law. The Clinic has a consortium with the Community Law Office, Inc., which allows it to offer greater free legal representation services to low-income people living in certain sectors of the metropolitan area.

Pro Bono, Inc. Servicios Voluntarios del Colegio de Abogados

Pro Bono, Inc. is a non-profit corporation founded in 1981 by the Puerto Rico Bar Association in order to offer free legal services to indigent people in the areas of civil and administrative law. Its mission is to ensure that people with limited economic resources have prompt and timely access to justice. The organization offers legal representation in both courts and administrative agencies, as well as provides advice and organizes clinics or legal orientation talks to the general public.

Rhode Island

Rhode Island Legal Services (RILS)

RILS is the state's major law firm for low-income people with civil legal problems. It provides high quality legal assistance and representation to low-income individuals and eligible client groups in Rhode Island for the purpose of improving their economic condition and overall wellbeing by protecting and enforcing legal rights, stabilizing the family unit and communities where clients live, promoting self-reliance, ending domestic violence, preventing homelessness, affording dignity to all people, and reaching out to groups with added burdens on their ability to access the civil justice system.

Areas of practice: Government benefits (denials and appeals of public assistance -FIP, GPA, food stamps, SSI/SSDI, unemployment benefits, medical assistance and RIte Care); family law (divorce, custody, and domestic violence); and housing – landlord & tenant law, eviction and foreclosure defense.

Help RI Law: Rhode Island Legal Services - Pro Bono Volunteer Lawyer Program (VLP)

The Volunteer Lawyer Program (VLP) is a public service program of the Rhode Island Bar Association designed to help people who have low incomes obtain legal help when they need it. Its purpose is to provide legal assistance to those who cannot obtain legal representation either on their own or through other existing agencies.

Attachment D

First Circuit Law Schools and Internal Clinics

Note: This list excludes the externship programs offered, as well as the student practice organizations available to students outside the court system.

MAINE

- [UNIVERSITY OF MAINE: UNIVERSITY OF MAINE SCHOOL OF LAW](#)
 - o [Cumberland Legal Aid Clinic](#)
 - The Clinic provides free legal aid to more than 600 low-income individuals and families every year.
 - [General Practice Clinic](#)
 - Student attorneys take on a wide range of case types in the General Practice Clinic, from criminal defense to family law to consumer law.
 - Students regularly brief and argue cases before the Maine Supreme Judicial Court and participate in hundreds of matters before Maine's federal, state and probate courts, and administrative agencies.
 - [Center for Youth Policy & Law](#)
 - The Center for Youth Policy & Law works to advance efforts to reduce harm to and increase positive outcomes for current and former system-involved Maine youth and emerging adults. This is a policy-focused Center, not a student practice organization.
 - [Prisoner Assistance Clinic](#)
 - The Prisoner Assistance Program helps inmates at the Maine Correctional Center in Windham in the Men's, Women's, and Pre-Release Units.
 - [Protection from Abuse](#)
 - Students enrolled in Clinic courses also participate in the Protection from Abuse Program, where they represent victims of domestic violence, sexual assault, and stalking.
 - [Refugee and Human Rights Clinic](#)
 - In the Refugee and Human Rights Clinic, students serve as attorneys assisting low-income immigrants through a broad range of cases and projects. Students in the Clinic provide direct legal representation and broader advocacy to immigrants and refugees seeking political asylum and similar protections under federal law in administrative and federal court proceedings.
 - [Rural Practice Clinic](#)
 - The Rural Practice Clinic is based in Fort Kent, Maine and brings access to legal representation and resources to rural communities.

First Circuit Law Schools and Internal Clinics

- [Youth Justice Clinic](#)

- The Youth Justice Clinic (YJC) allows students to provide direct representation to children, youth, and emerging adults (up to age 25) in a variety of proceedings in area courts.

MASSACHUSETTS

- [BOSTON COLLEGE LAW SCHOOL](#)

- Amicus Brief Clinic
 - The Amicus Brief Clinic is a “pop-up” clinic at BC Law. A pop-up clinic is a temporary clinic established and run for a very short period of time and for a specific purpose.
- Civil Litigation Clinic: Child Health and Education
 - The Child Health and Education Clinic (CHEC) is a medical-legal partnership that brings together student attorneys and community providers to address a variety of health-harming legal needs that impact children and families in the Boston area.
- Civil Litigation Clinic: Family Justice
 - In the Family Justice Clinic, students represent parents in family court proceedings including child custody and divorce, and represent young adults, parent(s), or relatives of youth in administrative advocacy with the state child welfare agency and appeal adverse outcomes to state court.
- Civil Litigation Clinic: Housing Justice
 - Students in the Civil Litigation: Housing Justice Clinic represent local low-income residents in cases involving family law, landlord-tenant disputes, public benefits, eviction, foreclosure, and access to government-funded housing.
- Civil Rights Clinic
 - In the Civil Rights Clinic, students address civil rights issues affecting low-wage workers, immigrants, prisoners, and communities of color in Massachusetts through the lens of movement lawyering by engaging in individual client representation as well as community and policy advocacy projects.
- Community Enterprise Clinic
 - This Clinic puts students at the center of transactional legal matters as they assist emerging businesses, entrepreneurs, and nonprofits with intellectual property issues, commercial leases, and 501(c)(3) exemptions. This clinic is in collaboration with Nutter McClennen & Fish LLP.
- Compassionate Release and Parole Clinic
 - In the Compassionate Release and Parole Clinic, law students in collaboration with a social worker or social work student will help prepare a petition for compassionate release and a medical parole plan for state

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prisoners suffering from terminal illnesses or irreversible physical or cognitive incapacitation.

- Criminal Justice Clinic
 - The Criminal Justice Clinic comprises the Defenders Program, the Prosecution Program, and the Criminal Justice Clinic Class.
- Entrepreneurship & Innovation Clinic
 - Students in the Entrepreneurship & Innovation Clinic (EIC) navigate the rapidly evolving field of entrepreneurship law, which includes intellectual property, licensing, regulation, and corporate formation. The EIC has been accepted into the prestigious trademark portion of the United States Patent and Trademark Office's ("USPTO") Law School Clinic Certification Program, which allows its students to prosecute a trademark directly and speak with the USPTO examining attorney on behalf of clients.
- Immigration Clinic
 - Students defend noncitizens against deportation, advocate for their release from immigration detention, and give "know your rights" presentations to immigration detainees. Representation includes seeking release from detention in bond hearings and petitions for habeas corpus in federal courts.
- Innocence Program
 - Students and faculty represent individuals wrongly convicted in Massachusetts for crimes they did not commit and collaborate with public, private, and nonprofit partners in litigation and public policy reforms. Clinic students co-counsel with the Committee for Public Counsel Services Innocence program, with other attorneys, or accept cases where no other counsel is appointed.
- International Human Rights Practicum
 - The International Human Rights Practicum focuses on appellate submissions to regional and international courts and other legal organizations that address international human rights issues.
- MA AG Civil Litigation Program
 - Students work directly with Bureau attorneys in the representation of state agencies and officials in state and federal courts.
- Project Entrepreneur
 - Project Entrepreneur is centered on using entrepreneurship to foster the successful reentry of individuals with criminal records, primarily those formerly incarcerated, back into society, offering a new beginning for them, their families, and invoking positive change in their communities.

- **BOSTON UNIVERSITY SCHOOL OF LAW**

- [Antiracism and Community Lawyering Practicum](#)
 - Students engage in the theory and praxis of community lawyering by engaging in legal projects with and for community-based partners. In alignment with the traditions of community and movement lawyering, the

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practicum directors and students will work in partnership with people who are directly impacted by racism and oppression and who are organizing towards liberatory solutions.

- [BU/MIT Student Innovations Law Clinic](#)
 - The BU/MIT Student Innovations Law Clinic (SILC) is a free and confidential legal service for students at MIT and BU who seek legal assistance related to their research, advocacy, and creative projects. The clinic is staffed by BU Law students under law faculty supervision in three different practice groups: Intellectual Property & Media; Privacy, Security & Health; and Venture & Finance. Over the course of the year, SILC provides counseling and representation to clients on a wide variety of legal issues, including intellectual property, information privacy, corporate law, cybersecurity, finance and business regulation, and media law.
- [Civil Litigation & Justice Program](#)
 - The Civil Litigation & Justice Program gives students the opportunity to use their lawyering skills in a diverse array of courtrooms—from local trial and housing courts, to the state’s Supreme Judicial Court, to the federal court. Students in the Civil Litigation & Justice Program choose from three options:
 - Individual Rights Litigation (IRL) Clinic: The average IRL Clinic caseload typically includes cases in areas such as domestic relations, eviction defense, employment law, and Social Security appeals.
 - Access to Justice Clinic: The average Access to Justice Clinic caseload covers areas such as domestic relations, eviction defense, employment law, and Social Security appeals.
 - Employment Rights Clinic (ERC): Students represent clients in unemployment compensation cases, with a possibility to work on wage and hour disputes, discrimination/sexual harassment cases, and Family Medical Leave Act cases.
- [Compassionate Release Practicum](#)
 - In this practicum, students represent prisoners not otherwise entitled to counsel but seeking compassionate release under the 2018 federal omnibus criminal justice reform bill.
- [Compliance Policy Clinic](#)
 - From data privacy and information security to environmental law, from healthcare to global commerce and beyond, compliance lawyers work wherever regulated organizations need complex legal, regulatory, and ethical requirements translated into effective systems that protect against legal, reputational, and operational risk. The Compliance Clinic is designed to develop core skills and capacities that are transferable across substantive areas of law and lawyering contexts.

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- [Consumer Debt Practicum](#)
 - The Consumer Debt Practicum teaches trial practice skills and substantive consumer law to students through participation in the Consumer Debt Practicum hosted by Greater Boston Legal Services at the Boston Municipal Court – Roxbury Division, Small Claims Session.
- [Criminal Law Clinical Program](#)
 - Students enrolled in the Criminal Law Clinical Program learn first-hand what it means to be a criminal law attorney. Defenders represent indigent adult and juvenile clients in the Boston Municipal Court and the Boston Juvenile Court in a variety of misdemeanor and felony cases. Prosecutors handle felonies and misdemeanors on behalf of the Norfolk District Attorney's Office in the Quincy District Court.
- [Environmental Law Practicum](#)
 - Complete an environmental-law related legal project for a Boston-based or national environmental law organization.
- [Health Justice Practicum](#)
 - The Health Justice Practicum takes a specifically antiracist approach to the interplay of law, policy, health systems, social identity, and health inequities. Students collaborate with frontline health care providers who serve marginalized populations, people with lived experience of marginalization, public health experts, community organizations, and other stakeholders on projects where providers and patients have identified a systemic problem affecting health and wellbeing. In addition to legal and/or policy advocacy, students provide capacity-building support to frontline health care providers to enhance the health care response to patient needs with legal dimensions.
- [Immigrants' Rights & Human Trafficking Program](#)
 - Students represent non-citizens facing deportation and survivors of human trafficking, persecution, and torture. In addition to providing *pro bono* legal representation, students work on systemic projects aimed at improving legal responses and providing new, creative models to address emerging challenges in the immigrants' rights and human trafficking fields.
- [International Human Rights Clinic](#)
 - In the International Human Rights Clinic, students represent international NGO's, through research and advocacy, and drafting submissions to the UN Human Rights Council, the treaty bodies, and the regional human rights organs (in the American, African, and European human rights systems); file briefs and amicus briefs on international human rights law issues in US domestic courts; handle appeals in refugee and international human rights cases; participate in universal jurisdiction claims in the US and other courts; and partner with various organizations in working on humanitarian cases.

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- [Legislative Policy & Drafting Clinic](#)
 - Through a combination of classwork and fieldwork, students learn the theoretical and practical aspects of law-making bodies: how statutory law is created through a variety of case examples; Constitutional limits to law-making; the ethical responsibilities for those involved in the process; and how law makers anticipate and shape the way the public and courts will interpret their work product.
- [Mental Health Litigation Practicum](#)
 - The Mental Health Litigation Practicum provides representation for persons allegedly living with mental illness who are facing commitment and involuntary treatment petitions. Students will be assigned cases by the Committee for Public Counsel Services (CPCS) Mental Health Litigation Division (MHL) and represent clients in civil commitment and involuntary treatment trials under the supervision of a faculty member.
- [Wrongful Convictions Practicum](#)
 - The Wrongful Convictions Practicum offers students a rewarding and fulfilling opportunity to help individuals who claim an unjust result after either a trial or guilty plea, and who need assistance from the legal community in investigating and developing their claims for presentation in the courts. Students in the Practicum will engage in activities that include the following: (1) Screening convicted individuals' applications, client-communication, and reviewing attorneys' files, pleadings, transcripts, and judicial decisions in the case; (2) Identifying and researching potential areas of investigation including forensic testing and witness investigation that may result in the discovery of exculpatory information or exonerative evidence; (3) Exploring issues of wrongful conviction that are broader than innocence or guilt, such as systemic failures of due process or over-policing; and (4) Conducting legal research and analyzing the legal requirements for obtaining a new trial, and learning about the mechanics and strategies associated with motions for post-conviction relief in the state and federal courts.
- [HARVARD LAW SCHOOL](#)
 - [Animal Law & Policy Clinic](#)
 - The Animal Law & Policy Clinic provides students with direct hands-on experience in animal advocacy on behalf of both captive animals and wildlife, including litigation, legislation, administrative practice, and policymaking.
 - [Criminal Justice Institute](#)
 - The Criminal Justice Institute (CJI) offers a unique union of classroom instruction and hands-on experience for students who represent indigent adults and juvenile clients facing misdemeanor and felony charges in the Boston criminal courts. CJI also performs research in a variety of criminal justice areas.

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- [Crimmigration Clinic](#)
 - In the Crimmigration Clinic, students work on cutting-edge issues regarding the intersection of criminal law and immigration law. The content of the clinical projects will depend on the legal landscape and political climate at the time of clinical enrollment. Clinical work will largely be performed at HLS. On litigation and policy matters, the Clinic will collaborate with local and national non-profit organizations.
- [Cyberlaw Clinic](#)
 - The Cyberlaw Clinic, based at Harvard's Berkman Klein Center for Internet & Society, provides high-quality, pro-bono legal services to appropriate clients on issues relating to the Internet, new technology, and intellectual property.
- [Education Law Clinic/ Trauma & Learning Policy Initiative](#)
 - The Education Law Clinic is part of a program called the Trauma and Learning Policy Initiative (TLPI), a nationally recognized collaboration between Harvard Law School and [Massachusetts Advocates for Children \(MAC\)](#), whose mission is to ensure that children impacted by family violence and other adverse childhood experiences succeed in school.
 - Students in the fall Clinic provide direct representation to parents/guardians whose children have been affected by family violence or other adverse experiences and who are not getting the special education services they need. Students receive direct one-to-one mentorship and develop a working knowledge of the Individuals with Disabilities Education Act (IDEA) and Massachusetts special education laws.
 - Spring Clinic students participate in projects that utilize TLPI's multiple advocacy strategies (legislative advocacy, administrative advocacy, community outreach, report writing, coalition building, and media strategies) in order to transform systems that affect the lives of children and families.
- [Election Law Clinic](#)
 - The Election Law Clinic offers Harvard Law students the opportunity to do hands-on litigation and advocacy work across a range of election law areas, with an initial focus on redistricting and vote suppression cases. Clinic offerings will include federal and state litigation projects, as well as some advocacy opportunities.
- [Emmett Environmental Law and Policy Clinic](#)
 - The Emmett Environmental Law and Policy Clinic at Harvard Law School offers students the opportunity to practice environmental law through work on a variety of litigation, administrative, legislative, and policy projects. The clinic works with scientists, medical professionals, nonprofit and public interest organizations, and government clients on environmental and energy issues at the federal, state, and local level. The work includes writing briefs and comment letters, drafting climate change mitigation and adaptation

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regulations and policies for municipalities, preparing guidance documents and manuals for non-lawyers, drafting model legislation, and preparing policy papers.

- [Harvard Dispute Systems Design Clinic](#)
 - Students in the Harvard Dispute Systems Design Clinic work on advanced client matters related to negotiation, mediation, and conflict management. Each semester the clinic offers a mix of public, private, domestic, and international projects. Recent clients include federal and state agencies, nonprofits, religious organizations, transnational corporations, small start-up companies, professional sports teams, municipalities, local government officials, and universities.
- [Harvard Legal Aid Bureau](#)
 - Students represent indigent clients in civil matters in the Massachusetts courts, before administrative agencies, before legislative bodies, and in various other fora. Working under the supervision of eight clinical instructors who collectively have extensive public interest and private practice experience, all students assume direct responsibility for representation of clients from intake interview to final disposition. Students also have the opportunity to engage in other forms of advocacy, including the following task forces, community lawyering partnerships, and clinics for pro se litigants:
 - Attorney-for-the-Day at Boston Housing Court
 - Attorney-for-the-Day at Suffolk Family and Probate Court
 - Benefits Practice (SSI/SSDI/DUA)
 - Community Lawyering Task Force
 - Eviction Clinic
 - Family Practice Task Force (FPTF)
 - Racial Justice Task Force (RJTF)
 - Wage & Hour Practice (including Mass AG Wage Theft Clinic)
 - Y2Y Youth Homeless Shelter
 - City Life / Vida Urbana
- [Human Rights Entrepreneurs and Incubator Clinic](#)
 - The Human Rights Entrepreneurs and Incubator Clinic offers students the opportunity to work in a lab-like atmosphere with human rights entrepreneurs in start-ups as well as innovators within existing organizations as they translate their ideas for change into reality. The Clinic operates as a lab, and students will have the opportunity to support partners as they develop and incubate ideas to pursue innovative strategic approaches that advance human rights.
- [Immigration and Refugee Advocacy Clinic](#)
 - For over thirty years, the Immigration and Refugee Advocacy Clinic, in partnership with [Greater Boston Legal Services](#) (GBLS), has sought to advance immigrants' rights. Law students take the lead in representing low-

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income immigrants who are fighting deportation and seeking asylum and other forms of humanitarian protection in the United States. Students utilize a range of legal tools on behalf of their clients, including direct representation, impact litigation, policy advocacy, and community outreach.

- [Institute to End Mass Incarceration Clinic](#)

- The Institute to End Mass Incarceration is a research and advocacy program that works toward the dramatic decarceration of the United States, the eradication of the root causes of mass incarceration, and the promotion of new approaches to dealing with harm and safety in our communities. Student practice will include brainstorming and designing campaign strategies; research and writing to produce strategy memoranda and litigation documents; and collaborating with partner organizers and attorneys to execute coordinated campaigns across multiple cases.

- [International Human Rights Clinic](#)

- The International Human Rights Clinic advances human rights around the world while training the next generation of advocates. Working closely with expert clinicians, law students take the lead on lawyering and advocating for human rights across a range of thematic and geographic areas, using a variety of skills that reflect the diverse modes of human rights practice. The Clinic serves as partner and legal advisor to human rights and civil rights organizations in the United States and globally, including international, grassroots, and movement-based organizations, as well as communities and individuals directly affected by abuse.

- [Making Rights Real: The Ghana Project Clinic](#)

- The Making Rights Real Clinic will build on a partnership between Professor White, Harvard Law School students, University of Ghana Law School faculty and students, and a Ghanaian civil society organization (CSO) engaged in leading-edge human rights work on educational equity in Ghana's underserved rural North.

- [Mediation Clinic](#)

- Clinic placements are with the Harvard Mediation Program (HMP) and offer the opportunity to co-mediate disputes filed in local courts with a focus on small claims cases.

- [Religious Freedom Clinic](#)

- The clinic provides students a hands-on, supervised experience representing a diverse group of clients in legal matters raising First Amendment and religious liberty issues. As a pro bono program dedicated to building bridges in service to those in need, the clinic focuses on representing members of minority faiths, the vulnerable, and those who serve or support them in our pluralistic society. This includes helping the imprisoned, victims of workplace discrimination, and those facing obstacles in ministering to migrants, the poor, and their communities.

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- [Transactional Law Clinics](#)
 - The Transactional Law Clinics consist of the Business and Non-Profit Clinic, the Real Estate Clinic, the Entertainment Law Clinic, and the Community Enterprise Project. These clinics provide legal assistance to small businesses, entrepreneurs and community organizations for business formation, contract review and negotiation, commercial financing, leasing, community economic development, real estate purchase and sales, business acquisitions, intellectual property, nonprofit formation, permitting, licensing, and other transactional legal services.
- Center for Health Law and Policy Innovation
 - [Food Law and Policy Clinic](#)
 - The Food Law and Policy Clinic (FLPC) provides students with the opportunity to practice using legal and policy tools in order to address the health, environmental, and economic impacts of our food system.
 - [Health Law and Policy Clinic](#)
 - Students enrolled in the Health Law and Policy Clinic will work on cutting-edge legislative, regulatory, and litigation projects at the state and national levels aimed at increasing access to quality, comprehensive health care for poor and low-income individuals and families. Student projects involve: informing current debates on the Affordable Care Act and efforts to repeal and replace the law; providing law and policy analysis to national and state coalitions advocating to protect Medicaid, Medicare, and discretionary health and public health programs; investigating best practices for initiatives to address health disparities and reduce barriers to health care for our most vulnerable populations; and litigating to address unfair and discriminatory public and private health insurance practices.
- WilmerHale Legal Services Center (LSC)
 - [Consumer Protection Clinic](#)
 - Through the Consumer Protection Clinic, students represent low-income people in cases related to predatory lending and other consumer matters, including bankruptcy and debt collection defense.
 - [Family Justice Clinic](#)
 - The Family Justice Clinic of the Legal Services Center focuses on offering clients legal assistance on divorce, paternity, child and spousal support, protective orders/restraining orders, and family defense.
 - [Housing Law Clinic](#)
 - The Housing Law Clinic represents tenants who are facing evictions by private market and subsidized landlords. Students also have the

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opportunity to participate in the Housing Justice for Survivors Project which represents tenants facing housing instability as a result of domestic or sexual violence. The bulk of the clinic's work consists of litigation in the Boston Housing Court, defending evictions and prosecuting counterclaims with the goal of improving housing conditions, enforcing consumer rights, supporting tenant organizing efforts, and preventing homelessness

▪ **LGBTQ+ Advocacy Clinic**

- In the Harvard LGBTQ+ Advocacy Clinic (the "Clinic"), students work on cutting-edge issues involving LGBTQ+ rights, with a particular emphasis on issues affecting underrepresented communities within the LGBTQ+ community. Clinic offerings include local and national projects covering the spectrum of LGBTQ+ issues. Students will have the opportunity to engage in a range of work encompassing various strategies for advancing LGBTQ+ rights, including impact litigation and legislative and policy advocacy on behalf of LGBTQ+ clients.

▪ **Tax Litigation Clinic**

- Students in the Tax Litigation Clinic represent low-income taxpayers in controversies with the IRS, both before the IRS and in federal court. Students may also work on Massachusetts Department of Revenue cases in addition to their federal cases. Students will work individually and in teams to represent taxpayers involving examinations, administrative appeals, collection matters and cases before the United States Tax Court and Federal District Courts.

▪ **Veterans Law and Disability Benefits Clinic**

- Students in the Clinic work to protect the rights of veterans and their families and persons with disabilities.
- Students can select among three project areas: (1) Veterans Justice Project- through which students represent veterans in administrative and court appeals to challenge wrongful denials of federal and state veterans benefits, in administrative and court appeals to seek remedies for those who unjustly received a less-than-honorable military discharge, and in systemic reform initiatives; (2) Estate Planning Project - through which students draft and execute estate planning documents, such as Wills, Health Care Proxies, and Durable Powers of Attorney for veterans and their families as well as advocate for veterans' financial autonomy in VA Fiduciary matters; and (3) Safety Net Project- through which students represent clients, including veterans, in administrative and court appeals to challenge wrongful denials of Social Security disability, SNAP/Food Stamps, and other safety net program benefits.

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- NEW ENGLAND LAW BOSTON

- Public Interest Law Seminar and Clinic
 - For the clinical portion, the core placements include the New England Law Clinical Law Office and off-site placements such as Greater Boston Legal Services, where students handle civil cases. The seminar portion of the course focuses on public interest law and the public interest lawyer.
- The Lawyering Process
 - This one-semester clinic course serves as an introduction to civil litigation. Students work on civil cases through the Clinical Law Office or other legal services offices, such as Greater Boston Legal Services.

- NORTHEASTERN UNIVERSITY SCHOOL OF LAW

- Civil Rights and Restorative Justice
 - The Civil Rights and Restorative Justice (CRRJ) Project addresses harms resulting from the massive breakdown in law enforcement in the South from 1930 through 1970. CRRJ conducts research into the nature and extent of anti-civil rights violence and works with members of a diverse community – prosecutors, lawmakers, victims – that is seeking genuine reconciliation through legal proceedings, law reform and private investigations.
- Community Business
 - The Community Business Clinic is Northeastern’s primary transactional law clinic. The clinic offers students real-world experience in providing free, business-related legal services to startups, entrepreneurs and small businesses, especially those in economically disadvantaged neighborhoods. The clinic’s work aims to support community-led growth.
- Domestic Violence
 - Students in the Domestic Violence Clinic assist in the representation of victims of domestic violence in restraining order cases (209A) as well as victims of sexual assault in Harassment Order Cases (258E). The clinic also assists community-based domestic violence organizations in longer-term projects related to policy, programming and outreach.
- Housing Rights Advocacy Clinic
 - The focus of the Housing Rights Advocacy Clinic is to assist and advocate on behalf of tenants experiencing housing insecurity in underrepresented Boston neighborhoods and surrounds. In their role as student attorneys, students learn about and address a variety of housing issues, including eviction defense, landlord obligations under the state sanitary code, security deposit disputes and lease violations.
- Immigrant Justice
 - In the Immigrant Justice Clinic (IJC), law students, working in teams under the supervision of clinical faculty, represent noncitizen clients in a variety of immigration matters; engage in immigrant rights’ advocacy projects; and

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conduct intakes at immigration detention centers in conjunction with attorneys from the PAIR Project. The types of cases that IJC students handle include applications for asylum, U-visas, T-visas, and other forms of relief, as well as bond hearings in Immigration Court.

- [Intellectual Property Law Clinic](#)

- In the Intellectual Property Law Clinic, law students provide IP-related legal services to individuals and ventures within the university's entrepreneurship and innovation ecosystem as well as to diverse and low-income individuals and start-ups who cannot afford legal services. Students in the clinic address issues related to IP rights, risks and transactions (with a focus on trademark, copyright and trade secret protection); collaborate on policies, presentations and workshops; and develop skills related to managing a legal services office.

- [Prisoners' Rights¹](#)

- Since it was launched in 1979 by a small group of dedicated Northeastern law students with federal grant funding, the Prisoners' Rights Clinic has assisted more than a thousand men and women incarcerated in Massachusetts prisons and jails, providing them with free legal assistance on a variety of serious criminal issues, including disciplinary charges, parole applications, parole revocation and more. Each student handles a complex public parole release hearing for a prisoner serving a life sentence.

- [Public Health](#)

- In the Public Health Advocacy Clinic, students work on real-world projects with attorneys and gain experience using developing litigation or regulatory actions to improve public health. Student projects support the research and drafting needs of the [Public Health Advocacy Institute](#) and its Center for Public Health Litigation.

- [SUFFOLK UNIVERSITY LAW SCHOOL](#)

- [Accelerator Practice](#)

- The Accelerator Practice is an in-house law practice located within Suffolk Law School and newly created in 2014 as part of the larger Accelerator Program. The in-house Accelerator practice represents average-income individuals who otherwise lack access to the justice system. Students will develop the legal skills and business practices needed to lead or participate in a solo or small private law firm. Students will handle administrative matters before various housing authorities, housing discrimination matters before the Massachusetts Commission Against Discrimination and the Boston Fair Housing Commission, and housing cases in Boston Housing Court and Chelsea District Court.

¹ This clinic seems focused on state prisoners and state relief, but there may be the opportunity to partner for expansion.

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- [Environmental Law & Policy Clinic](#)
 - The Clinic will be designed to allow students to work on a diverse range of environmental policy and case work. A substantial portion of the work will likely be focused on environmental regulation, policy and legislation at the federal, state, and local levels.
- [Family Advocacy Clinic](#)
 - The goal of the FAC is for student attorneys to learn and develop insight into the practice of law, using family and poverty law as the paradigm for this learning. Family law cases include divorce, paternity, custody, visitation, child support, and other family dissolution matters such as abuse prevention cases.
- [Health Law Clinic](#)
 - All clinic students handle both guardianship and social security/disability appeal cases – from initial interviews through court hearings.
- [Immigration Justice Clinic](#)
 - The Immigrant Justice Clinic (formerly the Immigration Law Clinic) seeks to meet the greatest needs for immigrant representation currently present in the local community such as removal defense and asylum intake. Students will represent low-income non-citizens facing deportation from the United States with a primary focus on individuals detained by Immigration Customs and Enforcement (“ICE”). Students will also represent youths and other vulnerable populations seeking lawful status.
- [Human Rights and Indigenous Peoples Clinic](#)
 - The clinic provides students with an opportunity to represent a tribal government or indigenous organization and develop transferable lawyering skills such as client interviewing and counseling and document drafting.
- [Innocence Clinic](#)
 - Students will work closely with staff and attorneys at the New England Innocence Project (housed at Suffolk University Law School) and with other attorneys handling wrongful conviction matters in the Commonwealth. Students will investigate potential cases of wrongful convictions and will report on their investigation findings.
- [Intellectual Property & Entrepreneurship Clinic](#)
 - This innovative law clinic provides students with the hands-on, practical experience needed to navigate the rapidly evolving fields of intellectual property and entrepreneurship. With direct supervision, IPEC students hone the fundamental skills of counseling, advocacy, transactional practice, applying best practices, and establishing high ethical standards.
- [Juvenile Defenders Clinic](#)
 - Defending children in Boston Juvenile Court -- in bail, pre-trial suppression, and probation hearings, as well as jury and bench trials -- is only one lawyering skill students learn in this clinic. Students may also represent youth in CHINS cases or in proceedings with state agencies.

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- [Legal Innovation and Technology Clinic](#)
 - Projects change from year to year based on Client needs. The Clinic looks to solve existing problems in new ways, using either technology or process improvement. The Lab tends to work with government and non-profit clients such as the MA Appeals Court, the Committee for Public Counsel Service (MA's public defenders), the Suffolk County DA's office, and various civil legal aid agencies in states other than Massachusetts.
- [Suffolk Defenders Program](#)
 - The Suffolk Defenders represent clients charged with misdemeanors and felonies in the Boston Municipal Court. The Defenders provide their clients representation in all phases of the court process, including arraignment, bail hearings, suppression and discovery hearings, pretrial conferences, trials, sentencing and occasionally post conviction hearings.
- [Suffolk Prosecutors Program](#)
 - As student prosecutors, participants learn the multi-faceted role of the District Attorney in the prosecution of criminal cases including handling arraignments and bail/detention hearings, interviewing witnesses, providing discovery, handling pre-trial motions, engaging in plea negotiations, preparing for trial, arguing dispositions and writing legal memoranda.
- [Transactional Clinic](#)
 - Student-attorneys will counsel clients on a range of transactional law matters, including entity formation, nonprofit applications for tax-exempt status, real estate, and contract drafting and negotiation. Students will represent founders and boards of directors to start, grow, and support organizations and businesses in the Greater Boston area, with an emphasis on organizational clients that are committed to empowering the community and creating economic equity.
- [UNIVERSITY OF MASSACHUSETTS SCHOOL OF LAW - DARTMOUTH](#)
 - [Community Development Clinic](#)
 - The Community Development Clinic (CDC) is a UMass Law in-house clinic. Students, working under the supervision of a professor, spend one semester representing small businesses and non-profit organizations in the SouthCoast area of Massachusetts. Legal work includes: drafting corporate documents; preparing state and federal filings; conducting legal audits; researching legal issues; and reviewing contracts.
 - [Criminal Prosecution Clinic](#)
 - The Criminal Prosecution Clinic (CPC) is housed in the Bristol County District Attorney's Office. CPC students, supervised by a senior District Attorney, spend one semester engaged in the legal work of a prosecutor.
 - [Human Rights at Home Clinic](#)
 - The Human Rights at Home Clinic focuses on securing fundamental human rights for individuals with limited means within the United States. Viewing

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unmet needs through the lens of human rights advocacy shifts the perspective from creating a right (such as the right to safety or education) to advocating because fundamental rights are inherent in all human beings. The clinic is designed to provide flexibility of projects and cases so that students may respond to needs as they currently exist or as they arise.

- [Immigration Law Clinic](#)

- The Immigration Law Clinic (ILC) is a UMass Law in-house clinic. Students, supervised by a professor or practicing attorney, spend a semester providing legal services to immigrants in the SouthCoast area. The clinic receives client referrals from several local agencies as well as the Boston Immigration Court. Cases encompass a broad range of immigration issues, including: deportation defense; family reunification; political asylum; juvenile assistance; and representation of victims of violence at home, work, and elsewhere. Students also conduct community education events on a variety of immigration law issues.

- [Mashpee Wampanoag Legal Services Clinic](#)

- The Mashpee Wampanoag Legal Services Clinic is housed in the Hyannis office of South Coastal Counties Legal Services, Inc. Clinic clients include low-income litigants in the Tribal Court, located in Mashpee, MA, as well as tribal members seeking legal assistance with other types of civil legal issues, including: family law; landlord-tenant law; and government benefits law.

- [WESTERN NEW ENGLAND UNIVERSITY: SCHOOL OF LAW](#)

- No in-house clinical programs

NEW HAMPSHIRE

- [UNIVERSITY OF NEW HAMPSHIRE SCHOOL OF LAW](#)

- [Criminal Practice Clinic](#)

- Students in the Criminal Practice Clinic represent low-income individuals charged with in New Hampshire Circuit and Superior Courts.

- [Intellectual Property and Transaction Clinic](#)

- Students represent entrepreneurs, authors, artists, inventors, musicians, publishers, and individuals operating small businesses or nonprofit organizations in adversarial and non-adversarial matters pertaining to business formation and organization, copyright and trademark registration and protection, licensing, and small business transactions.

- [International Technology Transfer Institute](#)

- The International Technology Transfer Institute (ITTI) Clinic's mission is to advance science, technology, and innovation in developing countries via advocacy, education, and capacity building in intellectual property (IP) management, technology transfer, and patent information systems. ITTI

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Clinic students construct patent landscapes, forge international networks, formulate strategic plans, draft reports, author publications, present at professional meetings, and engage in detailed strategic discussions with key organizations such as the White House Office of Science and Technology Policy, United States Patent and Trademark Office, the World Bank, the World Intellectual Property Organization, and the World Health Organization.

PUERTO RICO

- **INTER AMERICAN UNIVERSITY OF PUERTO RICO SCHOOL OF LAW**

- **Pro Bono UIPR**

- This Project aims to identify legal work opportunities in favor of those who face problems of access to justice.

- **PONTIFICAL CATHOLIC UNIVERSITY OF PUERTO RICO**

- **Legal Assistance Clinic**

- The Legal Assistance Clinic consists of both Internal and External programs. The Internal Program is divided into civil, juvenile, criminal, mortgage foreclosure and mediation litigation sections. Students actively participate in client representation from the initial interview, case investigation, and evidence collection to representing the client in court. In addition, the Clinic provides mediation services under the supervision of a certified Mediator where students intervene as mediators in resolving conflicts in matters to prevent foreclosures and promote the right to housing.

- **UNIVERSITY OF PUERTO RICO: SCHOOL OF LAW²**

- **ACCESO Derecho UPR**

- UPR Law Access - Pro Bono Program focused on meeting the needs of a population aspiring to study law, but lacking the resources to study for the entrance exams for law school.

- **ProBono ADEPI (Acceso, Dignidad, Equidad para Personas con Impedimentos)**

- Access, Dignity, Equity for People with Disabilities - Pro bono group focused on access to justice in the university community for students with disabilities, professors, and the university community in general.

- **Derechos de Adolescencia y Niñez**

- Adolescent and Children's Rights - Pro bono group focused on educating children about their rights in order to gain greater access to justice.

- **Probono Derecho Ambiental**

² None of these pro bono programs appear to be clinical programs in the traditional sense.

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- Probono Environmental Law - Pro bono group focused on environmental justice and providing training workshops on environmental issues.
- Pro Bono Amicus Justitiae
 - The mission of the Pro Bono Amicus Justitiae is to provide every student with an opportunity to contribute to the fight for social justice, human dignity, and equal treatment of every Puerto Rican person before the law, through educational activities and judicial interventions in public interest cases.
- APTE – ProBono en Apoyo a las Personas de la Tercera Edad
 - Pro Bono in Support of the Elderly- Work on different projects and proposals for legislation that benefit the Elderly and Retirees.
- Caño Martín Peña/CAUCE
 - Legal advice on property, corporate and environmental aspects to the Corporación Enlace del Caño Martín Peña in the process of implementing the law that provides for the integral development of the communities surrounding the caño.
- Democracia y Participación Ciudadana
 - Democracy and Citizen Participation - provides trainings on constitutional social rights, legislative processes and community lobbying.
- Probono AADDE- Derecho Deportivo y Entretenimiento
 - The Sports and Entertainment Law pro bono group addresses the unique and special relationship that exists between the different branches of law and sport, and fosters in its students a commitment to public service and access to justice.
- Derecho a la Energía
 - The Right to Energy pro bono project works with a multidisciplinary approach that integrates the legal framework, public policy, financial viability, technological infrastructure and the social environment, accompanying people and communities in the challenges and opportunities for access to energy.
- ENLACE con Escuelas Públicas
 - The Liaison with Public Schools initiative fosters interest in the study of law in all types of students, focusing particularly on those belonging to the Puerto Rico Public Education System, through the dissemination of information regarding the career of Law, its academic admission and guidelines.
- Derecho a la Inclusión LGBTTTQI+ y su Educación (DILE)
 - The mission of the DILE Probono is to provide education and a space for analysis of current social problems as a result of LGBTTTQI+ Law and issues in various spaces of the Puerto Rican community.
- Inclusión para la Comunidad de Educación Especial
 - Inclusion for the Special Education Community - This pro bono group provides education and counseling in the diverse range of areas of law

First Circuit Law Schools and Internal Clinics

- involved, assistance in legal advocacy, and collaboration with potential lobbying activities for special education students.
- Justicia en Salud
 - Justice in Health - This pro bono group offers legal advice in procedural and substantive aspects to institutions committed to research in the area of public health, as well as to communities that, due to their socio-economic and geographical circumstances, are more vulnerable to adverse health conditions and that are affected.
- Derecho Laboral
 - Labor Law - This pro bono program provides presentations, employee handbooks, and lobbying work in the labor field.
- Líderes para una Recuperación Justa (LideRex)
 - Leaders for a Just Recovery - Its mission is to empower students to engage as leaders by building capacities and skills to shift the balance of power to local communities in order to ensure that disaster recovery and reconstruction in Puerto Rico is effective, just, and resilient, and takes into account the challenges of climate change.
- ONDA – Organización Nacional de Derecho de los Animales
 - National Animal Law Organization - The purpose of the ONDA Pro Bono is to guide citizens regarding animal protection legislation and the legal approaches that have been developed in defense of animals.
- Derecho Penal
 - Criminal Law - Its mission is to provide education to citizens and the university community on the various aspects that make up Puerto Rican Criminal Law and to serve as intermediaries between the legal community and people who do not have access to this information.
- Propiedad Intelectual & StartUps
 - Intellectual Property & StartUps - The purpose of this Pro Bono is to educate students, non-profit organizations, and the general public about Intellectual Property Law.
- Rescate
 - Ransom - This program works with the population of inmates who are in a process of reintegration into society.
- Derechos Sexuales y Reproductivos
 - Sexual and Reproductive Rights - This organization promotes solutions to the problem of gender inequality in sexual and reproductive health through the dissemination of information and legal advice to young adolescents.
- Servicios a la Comunidad Penal – Sociedad para la Asistencia Legal
 - Criminal Community Services: Legal Aid Society - This Pro-Bono arises as a response to the lack of knowledge that students have about the procedures and situations to which inmates are exposed once their sentence is handed down and the need for legal representation that exists in this population.

First Circuit Law Schools and Internal Clinics

- SOI – Servicios y Orientación al Inmigrante
 - Immigrant Services and Guidance - This pro bono organization collaborates with the immigrant community to provide workshops and conferences on their rights as guaranteed in the Constitutions of the Commonwealth of Puerto Rico and the United States of America.
- Pro bono STOP
 - The mission of this Pro Bono focuses on working on the problem of sexual violence from three perspectives. First, provide an empowering space for survivors of sexual violence where they feel safe to air their experiences, and can receive legal help and guidance according to their needs. The second aspect is to contribute to the education, awareness and sensitivity of the legal community and the general population regarding this issue. Finally, the third aspect is to contribute to the fight against sexual violence within our university and its surrounding areas.
- Tax Pro Bono
 - TAX Pro Bono arises from the need to inform communities, small business owners and students about tax aspects and their rights. Its mission is to offer tax training workshops and free tax preparation services according to the needs of the low-income community.
- Trata y Tráfico de Humanos
 - Human Trafficking and Smuggling - This ProBono aims to orient Puerto Rican communities, as well as student communities, about exploitation and modern slavery in Puerto Rico and internationally.
- Unidad de Trabajo Comunitario – Servicios Legales de Puerto Rico
 - Community Work Unit - Legal Services of Puerto Rico - This pro bono program works on community cases of housing (special communities law, expropriation), antennas (environmental-administrative) and economic development (commercial fishermen).
- VIVID (Víctimas de Violencia Doméstica)
 - Victims of Domestic Violence - The VIVID ProBono has a mission to provide support and guidance to both victims and perpetrators in cases of domestic violence.

RHODE ISLAND

- [ROGER WILLIAMS UNIVERSITY: SCHOOL OF LAW](#)
 - [Business Start-up Clinic](#)
 - Under supervision from faculty licensed to practice law in Rhode Island, second- and third-year law students work directly with clients on matters such as entity formation, tax exemption, governance, contract review and drafting, and intellectual property issues. Students also work with other professionals and organizations to learn more about and to serve the entrepreneurial and nonprofit community. The Business Start-up Clinic is

First Circuit Law Schools and Internal Clinics

also part of the [U.S. Patent and Trademark Office Law School Clinic Certification Program](#), which allows law students enrolled in a participating law school's clinic program to practice Intellectual Property Law before the USPTO with close guidance from a Law School Faculty Clinic Supervisor.

- [Criminal Defense Clinic](#)
 - The majority of the Criminal Defense Clinic caseload consists of misdemeanor criminal cases that are pending in the Rhode Island District Court, involving charges such as domestic violence, drunk driving, disorderly conduct, assault, larceny, drug possession, and weapons possession. The clinic also carries a caseload of cases at the Rhode Island Traffic Tribunal, including refusal to submit to a breath test.
- [Immigration Clinic](#)
 - Students practice before the U.S. Citizenship & Immigration Service (CIS) and/or in the Immigration Court in Boston.
- [Veterans Disability Appeals Field Clinic](#)
 - Students are assigned to represent military veterans whose applications for disability benefits have been denied, pursuing their administrative appeals in the Court of Appeals for Veterans Claims (CAVC).
- Pro Bono Clinics and Projects
 - ACI Civil Legal Assistance
 - Expungement
 - Eviction Help Desk
 - Street Law
 - Volunteer Income Tax Assistance

Attachment E

LOCAL RULE 83.7
APPOINTMENT OF COUNSEL

In those civil cases in which the Court deems it necessary to appoint counsel to represent a party proceeding in forma pauperis (see 28 U.S.C. §1915), such appointment shall be accomplished by random selection from a list of all actively practicing private attorneys enrolled in the District in which the case is pending. Prospective appointees will be informed by telephone of their selection, when possible, so as to avoid appointment of an attorney who is not actively engaged in the private practice of law. However, in the event an enrolled attorney not actively engaged in the private practice of law is appointed, such attorney may request leave to withdraw within twenty-one (21) days of such appointment. The Court will depart from this random appointment procedure when the extraordinary nature or exigency of the circumstances suggests that an alternate means of selection is necessary. These appointments shall be mandatory.

The original attorney appointed may arrange for substitute counsel to appear in behalf of the party, but such substitution must be made in writing and filed with the Court not later than twenty-one (21) days after the entry of the original appointment order. This substitution will not relieve the substituted counsel from serving as appointed counsel in any subsequent case when he/she would otherwise be selected at random.

Upon written application filed within twenty-one (21) days of the original appointment order, an attorney may request leave of the Court to withdraw if he/she represents (1) that he/she has actively participated in furnishing pro bono legal services (e.g., membership in a pro bono legal organization); and (2) that he/she has, in the last twelve (12) months, actually represented a pro bono client(s) in either (a) litigation, or (b) a non-litigation matter which the attorney can certify required the expenditure of a minimum of twenty (20) hours of time.

Local Rules of the United States District Court for the Eastern and Western Districts of Arkansas

If, after interviewing the client, investigating the facts, and researching the applicable law, an appointed attorney is convinced that the party's legal position is non-meritorious, the appointed attorney may petition the Court for leave to withdraw. Such petition to withdraw must be filed within sixty (60) days of the appointment order. If the attorney is allowed to withdraw, his/her name may be restored to the list of enrolled attorneys subject to future appointment.

For good cause shown (e.g., geographic, time, or expertise factors), an appointed attorney may request the Court to select an additional attorney to serve as co-counsel in an investigative or trial capacity.

In the event attorneys enrolled in the Eastern and Western Districts of Arkansas desire to volunteer their services prior to receiving notification of an actual appointment, they may do so by writing the Clerk's Office, 600 W. Capitol Avenue, Room A-149, Little Rock, Arkansas, 72201-3325, or the Clerk's Office, P. O. Box 1547, Fort Smith, Arkansas, 72902-1547, and notifying the Court of their willingness to have their names advanced on the list of attorneys to be appointed. Attorneys volunteering in this manner will be exempt from future appointments under this Local Rule for two years from the date of any actual appointment received.

Adopted and effective May 5, 1987
Amended November 10, 2009

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

LOCAL RULES OF CIVIL PROCEDURE

LOCAL RULES FOR MAGISTRATE JUDGES

LOCAL RULES OF CRIMINAL PROCEDURE

Amended December 1, 2009*



*If a Rule was amended after December 2009, the date of amendment is located on the page of the Rule.

RULE 83.10

CIVIL PRO BONO PANEL

(Amended July 24, 2019)

(a) Assignment Wheel

1. The Clerk will establish a wheel to be used in assigning members of the Bar to provide pro bono representation to indigent persons in civil cases (the “Assignment Wheel”).

2. Any member of the Bar who has appeared as counsel of record in at least one civil action in this Court since January 1, 2015, shall be included in the Assignment Wheel except for (1) an attorney whose principal place of business is outside the District; (2) an attorney who is employed full-time as an attorney for an agency of the United States, a State, or a municipality; (3) an attorney who is employed full-time as an attorney by a not-for-profit legal aid organization; (4) an attorney who has notified the Clerk’s Office in writing that he or she has retired from the practice of law; and (5) an attorney who has notified the Clerk’s Office in writing that he or she has been suspended or resigned from the bar. Any such exempted attorney who has not retired, been suspended, or resigned shall be included in the pool, upon request, by notifying the Clerk’s Office in writing of such request.

3. The Clerk will review and update the Assignment Wheel on a biennial basis. The Clerk will add to the Assignment Wheel any non-exempt member of the Bar who files an appearance in a civil action in this Court within the prior two years and remove from the wheel any individual who has become exempt.

(b) The Volunteer Wheel

The Clerk will also establish a wheel of Pro Bono Volunteer Attorneys (the “Volunteer Wheel”), which shall be comprised of attorneys who are members of the Bar and who contact the Clerk’s Office in writing to request to be included in the Volunteer Wheel. As set forth below, the Court will use the Volunteer Wheel to make pro bono appointments under this Rule before it uses the Assignment Wheel, and will resort to the Assignment Wheel only when no attorneys on the Volunteer Wheel are available. An attorney on the Volunteer Wheel will be considered available for appointments under this Rule as long as such attorney has filed appearances in no more than two pending cases under this Rule (i.e., cases in which counsel was appointed under this Rule and in which final judgment has not yet been entered). Any attorney who has been placed in the Volunteer Wheel may request in writing to be removed from that Wheel at any time, in which case the attorney shall be removed from the Volunteer Wheel but shall remain in the Assignment Wheel. The Court may remove an attorney from the Volunteer Wheel for good cause.

(c) Appointment of Counsel

1. Pro bono counsel may be appointed at the discretion of the presiding judge upon motion or on the initiative of the presiding judge when the judge determines that the appointment will serve the interests of justice based upon factors such as (a) a party's apparent ability or inability to afford legal counsel, (b) the likelihood that counsel may be secured under alternative fee arrangements, and (c) the apparent merit of the party's claims or defenses. Newly filed cases in which any party is unrepresented will be evaluated by the presiding judge for appointment of pro bono counsel at an early stage. A status conference may be convened before the entry of a Rule 26(f) scheduling order to assist the presiding judge in making that evaluation.

2. The presiding judge may appoint counsel for a specific limited purpose, such as for settlement purposes only, for the purpose of assisting with a particular pleading or proceeding, for the purpose of facilitating a limited investigation into the legal or factual basis for any claim or defense in order to evaluate the merit of a party's claims or defenses, or for any other limited purpose the Court finds would serve the interests of justice. The Court's order appointing counsel for limited purposes shall delineate the extent of counsel's responsibilities to the client and to the Court.

3. A limited-purpose appointment will be limited to the purpose identified in the order of appointment and will not extend to any other part of the litigation process. Only in the case of a limited purpose appointment, counsel may withdraw from the case by filing a notice of withdrawal upon fulfillment of the purpose for which appointed. The Clerk will then terminate counsel's receipt of ECF notifications related to the case.

4. Any attorney appointed for a limited purpose specified by the Court may apply at any time for an order appointing the attorney to represent the party for all purposes in the litigation in this Court.

5. The Court considers any attorney appointed under this Local Rule to be a volunteer on behalf of a governmental entity for purposes of the Volunteer Protection Act of 1997 (the "Protection Act"), 42 U.S.C. §§ 14501-05, as long as such attorney does not receive an award of compensation for services in excess of \$500 per year (other than reasonable reimbursement or allowance, approved by the Court under this Local Rule, for expenses actually incurred).

(d) Appointment Procedure

1. Upon determining that pro bono counsel should be appointed, the presiding judge will issue an order appointing as pro bono counsel the next attorney whose name is randomly generated by the Volunteer Wheel or, if no attorney from the Volunteer Wheel is available, the Assignment Wheel.

2. The order will be entered on the docket and the appointed attorney and all unrepresented parties and attorneys of record in the case will receive email notification of the appointment from the Court's electronic filing system. If any unrepresented party will not receive an email notification, the Clerk will cause notice of the order to be mailed. The order appointing the attorney shall indicate that it is made under this Local Rule.

(e) Responsibilities of the Appointed Attorney

1. Within 14 days of the entry of an order appointing counsel under this Rule, the appointed attorney shall file and serve an appearance in accordance with L. Civ. R. 5(b).

2. An appointed attorney shall communicate with his or her client before appearing or as soon as practicable thereafter

3. An appointed attorney shall provide an engagement letter to his or her client as soon as practicable following appointment. In addition to including any other language required by law, the engagement letter shall provide that the attorney may not charge for the representation but that, in consideration of the appointed attorney's legal services, the client agrees that this Court will have exclusive jurisdiction over any dispute arising from the representation, including, without limitation, a grievance or malpractice claim. The appointed attorney shall explain the engagement letter to the client and the letter shall be signed by the attorney and the client. If the appointed attorney wishes to do so, he or she may file the engagement letter on the docket, together with a motion to seal, within 45 days of the entry of an order of appointment under this Rule.

4. By entering an appearance as required by the order of appointment, the appointed attorney incurs no obligation to represent the client in any other matter.

(f) Duration of Representation

1. Unless an order of limited appointment is made, an appointed attorney shall represent the party in this Court from the date of appointment until relieved from appointment by the Court or until a final judgment is entered in this Court.

2. If the party desires to take an appeal from a final judgment or appealable interlocutory order, or if such judgment or order is appealed by another party, or if the matter is remanded to an administrative forum, the appointed attorney is encouraged but not required to represent the party on the appeal, and in any proceeding, judicial or administrative, which may ensue upon an order of remand.

3. Where the appointed attorney elects not to represent the party on an appeal or in a proceeding upon remand, the attorney shall advise the party of all required steps to be taken in perfecting the appeal or appearing in the proceeding on remand. Upon request of the self-represented party the attorney shall file the notice of appeal.

(g) Relief From Appointments

Motions for relief from appointment are disfavored, as the Court views the acceptance of pro bono assignments from time to time as a professional responsibility of the attorneys who are members of its Bar. Any such motion shall comply with Rule 6.2 of the Connecticut Rules of Professional Conduct and Local Rule 7(e). Relief from appointment is unlikely to be granted on the grounds that the appointment would be burdensome or interfere with counsel's other professional obligations where the Court can fashion a case schedule that reasonably mitigates such difficulties. Relief from appointment is also unlikely to be granted on the ground that

counsel lacks experience in the area of law involved in the case. In the Court's experience, even an attorney who is inexperienced or unfamiliar with the subject matter can provide valuable assistance to an unrepresented person. If an attorney is currently engaged in, or has in the previous 12 months completed, a pro bono representation under this rule or a case in this Court in which the attorney was appointed under the Criminal Justice Act, 18 U.S.C. Sec. 3006A, and does not wish to accept a new pro bono assignment, that attorney may file, within 14 days of the entry of the order appointing counsel, a notice so indicating and specifying the docket number of the case in which he or she was appointed. In addition, if an attorney has reached the age of 70 and does not wish to accept the appointment, the attorney may file a notice so indicating. In either case, upon the filing of such a notice, the Court will vacate the order of appointment and will appoint a new attorney from the assignment wheel.

(h) Additional Appointments

Upon request for good cause shown, the Court may (a) limit the purpose(s) of an appointment and appoint an additional attorney from another firm to serve in a different limited capacity (e.g., sequentially) or (b) appoint an additional attorney from another firm to serve as co-counsel. Nothing in this Local Rule should be construed to prevent an appointed attorney from soliciting another attorney from the same or another firm to appear as co-counsel, except that neither appointed counsel nor co-counsel may limit the purpose of the representation without approval by the Court.

(i) Discharge

A party for whom an attorney has been appointed may request the discharge of the appointed attorney and appointment of another attorney. Such requests must be made within thirty (30) days after the party's initial consultation with the appointed attorney, or within such additional period as is warranted by good cause.

When good cause is shown (e.g., substantial disagreement between the party and the appointed attorney on litigation strategy), the appointed attorney shall be discharged from further representation of the party. In such cases, another attorney may thereupon be appointed by the Court to undertake the representation, in accordance with this rule. The Judge may deny a further appointment in such cases.

(j) Complaints or Grievances Against Appointed Counsel

1. Should a party who is represented by counsel appointed under this Rule wish to file a complaint or grievance against appointed counsel for any failure of counsel to comply with his or her professional obligations, including any applicable standard of care or rule of professional conduct, during the representation in this Court, such complaint or grievance shall be filed in this Court within thirty days of the termination of the representation, and shall be served by first-class mail on the appointed attorney. This period may be extended, up to six months from the termination of the representation, by a showing that the party could not have, through the exercise of reasonable diligence, been expected to learn the facts from which the complaint or grievance arises during the representation or within thirty days of its termination. Failure to

comply with the time limits set forth in this paragraph shall constitute a waiver of the right to bring a complaint or grievance under this Rule.

2. Any such complaint or grievance shall be filed in the original case, in which counsel was appointed, together with a motion to reopen the case, if it has been closed. Unless and until the Court orders otherwise, the complaint, and the fact of filing the complaint, shall be considered sealed and shall not be a record open to the public. The docket will reflect only the filing of a sealed document and a sealed motion.

3. The attorney against whom such complaint or grievance is filed is not required to respond to such complaint or grievance until after the presiding judge has reviewed it and made a determination that a response is required.

4. The judge will dismiss the complaint or grievance, in whole or in part, without requiring a response if the facts alleged, if accepted as true, fail to state a cognizable claim. In making this evaluation, the judge will consider (a) the Protection Act, (b) the standard of care expected of an appointed lawyer, (c) the rules of professional conduct for lawyers practicing in the District of Connecticut under L. Civ. R. 83.2(a), and (d) the interests of justice. The judge may also dismiss the complaint or grievance in whole or in part without requiring a response if the judge's own recollection of the earlier proceedings contradicts material facts alleged in the complaint or grievance.

5. If the judge determines that the complaint or grievance warrants a response, the judge will order a response to be made. The judge may thereafter proceed to adjudicate the claim, direct that it be assigned to another judge of this Court, or refer the matter to the Grievance Committee.

6. The Clerk of Court shall ensure that every judgment entered in a case in which an attorney is appointed under this Local Rule, including cases that are settled or withdrawn, includes the following language: Because counsel was appointed in this case under Local Civil Rule 83.10, this Court shall retain jurisdiction to adjudicate any dispute between such counsel and his or her client arising from the representation in this case, including without limitation, a grievance or malpractice claim.

(k) Expenses

1. The appointed attorney shall bear any expenses of the litigation (e.g., discovery expenses, expert witness fees, subpoena fees, transcript expenses), unless the attorney has, prior to incurring any such expense, obtained an order from the Court authorizing such expense. Failure to obtain such an order will not bar the appointed attorney from seeking reimbursement pursuant to Rule 83.10(l). Nothing in this Local Rule will be construed to prevent an attorney from reaching agreement with the client for the client to pay an expense. An appointed attorney will have no obligation to bear any litigation expense that the Court has refused to authorize after appropriate application and the client is unable or unwilling to pay, even if the failure to pay that expense will cause the client to be unable to meet a burden of proof with respect to a claim or defense.

2. Upon appropriate application by the appointed attorney the Clerk shall certify those expenses for which the appointed attorney may be reimbursed, in accordance with the procedures utilized in *in forma pauperis* proceedings, in proceedings under the Criminal Justice Act or other guidelines issued by the Court. Thereafter, the presiding judge may order reimbursement of the expenses of the litigation, as authorized by applicable statute, regulation, rule or other provision of law.

3. A fund shall be kept by the Clerk for the purpose of funding expenses that a party is unable to meet, in whole or in part. This fund shall consist of a portion of the fees collected in connection with applications for admission to the Bar of this Court and motions for admission *pro hac vice*. The presiding judge shall review all applications of appointed attorneys for advance approval of part or all of a litigation expense and decide whether to authorize the expense and provide for payment from the fund. If the party is subsequently reimbursed for or recovers an expense that had been funded in whole or in part from the Clerk's fund (excluding unallocated settlement payments and damages awards), the party will ordinarily be required to reimburse the fund.

(I) Compensation for Services

1. Upon appropriate application by the appointed attorney, the presiding judge may award to the appointed attorney attorney's fees, costs and/or expenses, as authorized by applicable statute, regulation, rule or other provision of law, and as the presiding judge deems just and proper. In deciding whether to award attorney's fees, the presiding judge will consider: (i) the relevant statutes and provisions of law; (ii) the source of the fee award; (iii) the services rendered; (iv) the out-of-pocket costs incurred by the attorney, and (v) any other factors the presiding judge deems appropriate.

2. If the party is able to pay for legal services, upon application of the appointed attorney, the presiding judge may (i) approve a fee arrangement between the party and the attorney, (ii) order fees and expenses to be paid on a specified basis, or (iii) relieve the attorney from the responsibilities of the appointment and permit the party to retain another attorney or proceed without counsel.

3. Nothing in this Local Rule will be construed to prohibit an attorney appointed from the Assignment Wheel from reaching a prospective fee agreement with the client, which may include contingent fees or the right to receive any fee award and which shall comply with state law. Any such agreement shall be submitted for approval to the Court, and may be submitted together with a motion to seal. An appointed attorney may not condition service to the client on the client's willingness to enter into such an agreement, except as provided in section (I)(2) of this Local Rule. Appointed attorneys are on notice that acceptance of in excess of \$500 per year for performing services under this rule may affect their status as a "volunteer" under the Volunteer Protection Act of 1997. 42 U.S.C. § 14505(6).

LOCAL RULES
for the
SOUTHERN DISTRICT
Of
GEORGIA

- (h) Only one attorney on each side shall examine or cross examine a witness, and not more than two
- (2) attorneys on each side shall argue the merits of an action or proceeding unless the Court shall otherwise prescribe.

LR 83.7 Withdrawal as Attorney of Record. Attorneys representing parties in any case, desiring to have their names stricken of record, shall so request one of the District Judges of this Court, in writing and in duplicate, through the Clerk of this Court, and shall disclose that such attorney has given due notice to his client of his intention to withdraw from the case, and shall specify the manner of such notice to the client, attaching copy of the notice. Such notice to the client shall be given at least fourteen (14) days prior to the request to the Court. Upon the filing of the request with the Clerk, a copy thereof shall forthwith be mailed to the client and within fourteen (14) days thereafter, such request shall be presented by the Clerk to the District Judge for his action thereon. Ordinarily, counsel will not be allowed to withdraw after pretrial if such withdrawal will delay the trial of the case, in which event the attorney shall continue as responsible for the handling of the case.

LR 83.8 Relations with Jury. All attempts to curry favor with juries by fawning, flattery, or pretending solicitude for their personal comfort are unprofessional. Suggestions of counsel, looking to the comfort or convenience of jurors and propositions to dispense with argument or peremptory challenges, should be made to the Court out of the presence of the jury or its hearing. Before and during the trial, a lawyer shall avoid conversing or otherwise communicating with a juror on any subject, whether pertaining to the case or not. No party, attorney, or other person shall, without Court approval, make or attempt any communication relating to any feature of the trial of any case with any regular or alternate juror who has served in such case, whether or not the case was concluded by verdict.

LR 83.9 Leaves of Absence. An application by an attorney for a leave of absence shall be in writing, listing all cases by name and number for which protection is desired by the attorney. Said application shall show that notice thereof has been given to opposing counsel in each of said cases. In the absence of prompt objection thereto, in writing, such leave may be granted as a matter of course.

LR 83.10 Disciplinary Actions. In any disbarment or disciplinary action brought against any member of the bar of this Court, the United States Attorney shall prosecute such action representing the bar of this Court.

LR 83.11 Indigent Representation -- Statement of Policy. The historic and present obligation of the bar to provide legal counsel and representation to those who cannot afford to pay is recognized and established as

the policy of this Court. In years past, before the organization and funding of legal services corporations and the enactment of legislation providing payment for services in appointive criminal cases, many lawyers fairly and dutifully responded to the call for indigent representation. Increasingly, it is perceived that lawyers who regularly and frequently practice in this Court have no contact whatsoever with the indigent client in civil or criminal cases. This Court will not participate in or permit an abdication of the lawyer's fundamental responsibility to provide legal services to indigents. It is observed that such services are more effective and produce greater professional fulfillment when provided voluntarily rather than compulsorily. All members of the bar of this Court who possess the mental and physical ability, regardless of age, are expected to provide legal services, on occasion, to indigents. See also, LCrR 44.1.

The roll of attorneys as provided to the judicial officers by the Clerk's Office shall constitute the "panel of attorneys" as that term is used in the Plan for the Implementation of the Criminal Justice Act of 1964, As Amended, which plan is a public record available at each divisional office of the Clerk of this Court.

In making appointments for attorneys to represent indigent in criminal or civil cases, the Magistrates Judges, the Clerk, and the District Judges shall consider the frequency of the appearances of lawyers in civil or criminal cases in this Court without regard to the residency or principal office maintained by the lawyer. Those lawyers whose appearances predominate in a particular division shall be given preference for appointments in such division, but shall be subject to appointment to a case in any division of this Court.

ATTORNEYS -- GUIDELINES FOR COURTROOM CONDUCT

These instructions are designed to promote uniformity and proper decorum in the courtroom practice of this district. Members of the bar should adhere to these instructions to the maximum practical extent.

LR 83.12 Examination of Witnesses and Argument.

- (a) Counsel should conduct examination of witnesses from the lectern or the counsel table.
- (b) Do not approach a witness without asking permission of the Court. When permission is granted for the purpose of working with an exhibit, resume the examination from the table or lectern when finished with the exhibit.
- (c) Rise when addressing the Court or jury and when making objections.
- (d) During opening statement and argument, counsel should stand at the lectern or table unless the Court grants permission to approach another area for a proper purpose.

Local Rules of the United States District Court Northern District of Illinois



(effective September 1, 1999 with amendments through December 31, 2023)

Executive Committee or the judge before whom the matter is heard, upon the furnishing or proof of competency and learning in the law. Such proof may include certification by the bar examiners of a state or other jurisdiction of the attorney's successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

Amended December 23, 2016

LR83.31. Duties of the Clerk

(Rule moved to [Internal Operating Procedure 8](#) May 31, 2011)

LR83.35. Pro Bono Program

(a) DEFINITIONS. The following definitions shall apply to the *pro bono* rules:

(1) The term “assignment of counsel” shall mean the assignment of a member of the trial bar to represent a party who lacks the resources to retain counsel. Such assignment shall only be in a civil action or appeal and shall not include any assignment made pursuant to [the Criminal Justice Act of 1964, 18 U.S.C. §3006A](#).

(2) The term “judge” shall mean the judge to whom the action is assigned. It shall include a magistrate judge where the assignment is made in a civil case assigned to a magistrate judge for all purposes pursuant to [28 U.S.C. §636\(c\)](#) or referred for evidentiary hearings pursuant to [28 U.S.C. §636\(b\)\(1\)\(B\)](#).

(3) The terms “*pro bono* rules” and “*pro bono* program” shall refer to [LR83.35](#) through [83.41](#).

(b) CREATING THE Pro Bono PANEL.

(i) At the start of each calendar year, the Clerk will create a pool consisting of the entire membership of the trial bar, including any new members, but excluding any members who have previously accepted an assignment. Names in the pool will be listed in random order.

(ii) At the start of each calendar quarter, the Clerk will create a pro bono panel by selecting, in random order, the names of a number of trial bar members equal to the estimated number of pro bono assignments to be made in the following quarter. Attorneys chosen for the panel will be notified by e-mail and directed to complete a Profile Form, if one is not already on file. An attorney who practices primarily in the Eastern Division but who prefers appointment to a case pending in the Western Division of this court should so notify the Clerk.

(iii) An attorney who is exempt from pro bono assignment pursuant to LR 83.35(d) shall notify the Clerk of the exemption when the attorney receives notice of his or her selection for the panel. The Clerk will remove the attorney's name from the panel and from the pool for one year.

(iv) After accepting a pro bono assignment, trial bar members will ordinarily be eligible for subsequent pro bono assignment only after all non-exempt trial bar members have been assigned a pro bono case in accordance with this rule.

(c) NOTIFICATION TO PANEL. Following the selection of a panel the Clerk shall notify

each member by e-mail and direct each member to complete a Profile Form, if one is not already on file. Such Form shall disclose:

- (1) counsel's prior civil trial experience, including a general indication of the number of trials and areas of trial experience;
- (2) counsel's ability to consult and advise in languages other than English;
- (3) counsel's preference, if any, for appointment to a case pending in the Western Division of this Court.

The information set forth in the Form may be amended at any time by letter.

(d) EXEMPTIONS. A member of the trial bar may be removed from a panel upon request upon a showing that

- (1) the attorney's principal place of business is outside of this District, or
- (2) the attorney is employed full-time as an attorney for an agency of the United States, a state, a county, or any sub-division thereof, or
- (3) the attorney is employed full-time as an attorney by a not-for-profit legal aid organization.

(e) VOLUNTEERS. A member of the trial bar may volunteer to be included in a pro bono panel at any time and will be assigned to the next available case.

(f) COMPLETION OF SERVICE. Any member of the trial bar who has accepted an assignment prior to the effective date of this rule is eligible for a further case assignment no earlier than 12 months following the completion of the attorney's most recent assignment. On and after the effective date of this rule, an attorney who has accepted an assignment under this rule will ordinarily not be assigned another case until every other member of the trial bar has been so assigned.

Amended December 23, 2016

LR83.36. Assignment Procedures

(a) Application. Any application for the assignment of counsel by a party appearing *pro se* shall be on a form approved by the Executive Committee. The application shall include a form of affidavit stating the party's efforts, if any, to obtain counsel by means other than assignment and listing any prior matters, pending or terminated, in which counsel has been assigned by any judge of this court to represent that party. A completed copy of the affidavit of financial status in the form required by [LR3.3\(a\)\(2\)](#) shall be attached to the application. A *pro se* party who was ineligible for assigned counsel at the outset of the litigation who later becomes eligible by reason of changed circumstances may apply for assignment of counsel within a reasonable time after the change in circumstances has occurred.

(b) Selection of Attorney

(i) By the Clerk. Upon request from a judge, the Clerk will identify an attorney from the pro bono panel at random for assignment, provided that attorneys whose practice is primarily in the Western Division of this court will not be assigned to a case pending in the Eastern Division.

(ii) By the Judge. The judge presiding in any case retains discretion to assign counsel as set forth in IOP 8. Selection by a judge pursuant to IOP8 is the equivalent of selection by the Clerk for purposes of fulfilling the attorney's trial bar case representation requirement. An attorney selected by a judge must notify the Clerk of the assignment.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND



LOCAL RULES

JULY 1, 2023

(September 2023 Supplement)

Including

September 2023 Supplement: Expedited Amendment to Appendix C

VII. ATTORNEY ADMISSION, ASSISTANCE, AND DISCIPLINE

RULE 701. ADMISSION

1. Qualifications

a) General

Except as provided in subsection (c) of this Rule, an attorney is qualified for admission to the Bar of this District if the attorney is, and continuously remains, an active member in good standing of the Supreme Court of Maryland, or if the attorney is not a member of the Supreme Court of Maryland, an active member in good standing of the highest court of any state (or the District of Columbia) and also an active member in good standing of any United States District Court; is of good private and professional character; is familiar with the Maryland Attorneys' Rules of Professional Conduct, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Federal Rules of Appellate Procedure, and these Local Rules; is (to the extent relevant to his or her area(s) of practice) familiar with the Federal Rules of Criminal Procedure, the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules, and substantive Maryland statutory and common law; and is willing, available and competent to accept appointments by the Court to represent indigent parties in civil cases in this District unless the acceptance of such appointments is inconsistent with an attorney's professional employment obligations as, for example, a government attorney. Although not required, an attorney admitted to the Bar of this Court who is not also a member of the Maryland Bar is strongly urged to consider retaining local counsel when appearing on matters involving Maryland law.

b) Federal Government Attorneys

An attorney who is a member of a Federal Public Defender's Office, the Office of the United States Attorney for this District, or other federal government lawyer, is qualified for admission to the Bar of this District for purposes relating to her or his employment if the attorney is an active member in good standing of the highest court of any state (or the District of Columbia); is of good private and professional character; is familiar with the Code of Professional Responsibility, the Federal Rules of Civil Procedure and Criminal Procedure, the Federal Rules of Evidence, the Federal Rules of Appellate Procedure, and these Local Rules.

c) Non-Maryland Lawyers Maintaining Any Law Office in Maryland

An attorney who is not a member of the Maryland Bar is not qualified for admission to the Bar of this District if the attorney maintains any law office in Maryland. For the purposes of this subsection, an attorney shall be deemed to maintain an office in Maryland

if a Maryland address is used by that attorney on any document filed in this Court for purposes of satisfying L.R. 102.1.b. However, if an attorney is a member of a law firm having offices in multiple jurisdictions, an attorney who is a member of such a firm shall not be deemed to maintain a law office in Maryland if that attorney does not maintain a regular physical presence in the Maryland office of the firm. Failure of an attorney to satisfy this continuing requirement may result in the attorney either being moved to ineligible status or subjected to expedited remedial action as provided for in L.R. 705.1.i.

2. Procedure

a) Original Applications

Each applicant for admission to the Bar shall file an application, accompanied by a motion filed by the applicant's sponsor. The application and motion shall be on forms prescribed by the Court and shall be made available by the Clerk to applicants upon request. The applicant's sponsor must be a member of the Bar of this Court and must have known the applicant for at least one (1) year. The latter requirement may be waived if the sponsor sets forth sufficient grounds in the motion for admission to satisfy the Court that the sponsor has reason to know that the applicant is qualified for admission. Each applicant for admission shall also pay any original admission fee set by the Court.

b) Renewal Applications

Each member of the Bar of this Court shall submit an application to renew her or his membership periodically as directed by the Court. The application shall be on a form prescribed by the Court. Notice shall be sent by the Clerk to each member of the Bar of the Court at least thirty (30) days prior to the date on which the application is due. The applicant for renewal shall also pay any renewal fee set by the Court. A timely renewal application shall be granted if the applicant meets all of the qualifications for admission to the Bar of this Court and if she or he pays the renewal fee. Failure to submit a timely renewal application or to pay the renewal fee will cause the attorney's membership in the Bar of this Court to be changed to inactive status.

c) Request to Resign or Withdraw an Application for Admission

i) Request. A request to resign from, or to withdraw an initial or renewal application for admission to, the practice of law in this Court shall be submitted in writing under oath. The request shall state that the resignation or request to withdraw an original or renewal application is not being offered to avoid disciplinary action and that the attorney has no knowledge of any pending investigation, action, or proceedings in any jurisdiction involving allegations of professional misconduct by the attorney or the commission of a crime.

ii) When Attorney May Not Resign or Withdraw an Application for Admission. An attorney may not resign or withdraw an original or renewal application for admission while the attorney is the subject of a disciplinary investigation, action, or proceeding involving allegations of professional misconduct or the commission of a crime. A request to resign or to withdraw an original or renewal application does not prevent or stay any disciplinary action or proceeding against the attorney.

iii) Procedure. Upon receiving a copy of the request submitted in accordance with section (c)(i) of this Rule, the Disciplinary and Admissions Committee shall investigate the request and submit a recommendation to the full bench of the Court.

iv) Order of the Court. After considering the recommendation of the Disciplinary and Admissions Committee, the Court shall enter an order accepting or denying the resignation or request to withdraw an application. A resignation or withdrawal of an application is effective only upon entry of an order approving it.

v) Duty of Clerk. When the Court enters an order accepting an attorney's resignation or permitting the withdrawal of an application, the Clerk of the Court shall strike the name of the attorney from the register of attorneys in this Court.

vi) Effect of Resignation or Withdrawal of Application for Admission. An attorney may not practice law in this Court after entry of an order accepting the attorney's resignation or permitting the withdrawal of an application.

vii) Motion to Vacate. After notice and opportunity to be heard, the Court may, at any time, vacate or modify the order in case of intrinsic or extrinsic fraud.

3. Duty of Counsel to Notify the Clerk of Any Change in Address

Counsel must promptly notify the Clerk of any change of address, including email address, irrespective of any changes noted on a pleading or other document.

4. Confidentiality of Attorney Records

No information contained in any bar admission application, renewal application, or an attorney's administrative or disciplinary record may be released by the Clerk of this Court except by the order of the Chair of the Disciplinary and Admissions Committee of the Court or the presiding judge in a pending case, in consultation with the Committee Chair for requests for administrative records and in consultation with the full bench in cases of disciplinary files. However, the Clerk of Court may provide an attorney with a copy of that attorney's previously submitted bar admission or renewal application upon request, including confirming the contents of these documents.

*UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI*

LOCAL RULES

XII. ATTORNEYS

Rule 12.01 ([FRCP 83](#)) Attorney Admission.

(A) Roll of Attorneys.

The bar of this Court consists of those attorneys who have been granted admission upon satisfaction of the requirements for admission to practice before this Court prescribed by the rules in force at the time of their application for admission. Except as otherwise provided in this rule, only attorneys enrolled pursuant to the rules of this Court or duly admitted pro hac vice may file pleadings, appear, or practice in this Court.

Nothing in these rules is intended to prohibit any individual from appearing personally on his or her own behalf. An attorney admitted to practice in another Federal District Court or licensed by any state to practice law may appear and represent the United States or the State of Missouri, or any of their respective departments or agencies, without general admission to the bar of this Court. Admission to the bar of this Court is not required in order to file or appear in a miscellaneous case, to appear in a case transferred to this Court pursuant to 28 U.S.C. § 1407 on an order of the Judicial Panel on Multidistrict Litigation, or in any other case transferred from another District Court on an order of that District Court.

(B) Qualifications for Admission.

An attorney of good moral character who holds a license to practice law from, and who is a member in good standing of the bar of, the highest court of any state or the District of Columbia may apply for admission to the bar of this Court.

(C) Procedure for Admission.

A candidate for admission to the bar must submit an electronic application through the attorney's PACER account. In addition to the completed application, the applicant must submit: (1) a current certificate of good standing from the highest court of the state of the applicant's primary practice (i.e., one dated within sixty (60) days of date of the application); and (2) the prescribed application fee. Applicants who attend this Court's biannual admission ceremony in Jefferson City and are admitted to the Missouri Bar on the same day as this Court's

ceremony are not required to submit a current certificate of good standing from the Supreme Court of Missouri. If the Court determines that an investigation of an applicant's character and fitness is necessary, a member of the bar of the Eastern District of Missouri may be appointed by the Chief Judge to conduct an examination of the applicant's background and report written findings to the Court. An attorney appointed for this purpose will be compensated from the Attorney Admission Fee Non-Appropriated Fund at a reasonable hourly rate, provided that total compensation may not exceed \$2,500.00 plus actual expenses. Each completed application will be examined by the Clerk of Court for satisfactory evidence of compliance with these rules. The Clerk is authorized to approve an application for admission that satisfies these requirements. Upon approval of an application for admission, the attorney must take an oath or affirmation administered by a district, magistrate or bankruptcy judge of this Court. For good cause, the oath may be administered via telephone, videoconference or other electronic means. Admission to the bar of any division will constitute admission to practice in all divisions of the Court, including the Bankruptcy Court.

(D) Admission of Government Attorneys.

An attorney representing the United States, the State of Missouri or another State, or any of their respective departments, officials or agencies may apply for special Government Counsel limited admission to the bar of this Court. The applicant must be a member in good standing of the bar of the highest Court of any State or the District of Columbia. A candidate for limited admission under this rule must submit electronically a verified application through the attorney's PACER account. The applicant must submit a letter written on the employing government agency's letterhead containing a statement signed by the agency executive indicating the applicant's name, title, and current employment status. Letters must be emailed to the Attorney Admissions Department of the Clerk's Office at Attorney_Admissions@moed.uscourts.gov.

(E) Renewal of Membership.

The roll of attorneys admitted to practice before this Court will be renewed quadrennially commencing after 1999. A renewal registration must be submitted to the Clerk by

every member of the bar on or before the thirty-first day of January of each renewal year. Each renewal registration must be accompanied by a fee in an amount set by order of the Court at least ninety days prior to each registration period. The Clerk will publish notice or otherwise inform the bar of the renewal requirement and the fee at least sixty days before the deadline for submitting such renewal registration.

The Clerk will deposit the renewal registration fees collected pursuant to this rule into the fund created by Local Rule 12.03, to be used for the purposes specified in that rule, and to defray the expenses of maintaining a current register of members of the bar of this Court.

An attorney who fails to submit the required renewal registration and pay the renewal fee will be provisionally removed from the roll of members in good standing, and the attorney's privilege to file pleadings, appear and practice in any division of the Eastern District of Missouri will be suspended. If no renewal registration is submitted within three (3) months of the delinquency, the name of the attorney will be permanently removed from the roll by order of the Court, without prejudice to a subsequent application for admission.

(F) Admission Pro Hac Vice.

An attorney who is not regularly admitted to the bar of this Court, but who is a member in good standing of the bar of the highest court of any state or the District of Columbia, may be admitted pro hac vice for the limited purpose of appearing in a specific pending action. Unless allowed by a judge for good cause, an attorney may not be granted admission pro hac vice if the applicant resides in the Eastern District of Missouri, is regularly employed in the Eastern District of Missouri, or is regularly engaged in the practice of law in the Eastern District of Missouri. A motion requesting admission pro hac vice must be verified and must include the name of the movant attorney, the address and telephone number of the movant, the name of the firm under which the movant practices, the name of the law school attended and the date of graduation, the movant's dates and places of admission to practice law; and a statement that the movant is in good standing in all bars in which he or she is a member, and that the movant does not reside in the Eastern District of Missouri, is not regularly employed in this district, and is not regularly engaged in the practice of law in this district. The movant attorney must include as an

attachment to the motion for admission pro hac vice a current certificate of good standing from the highest court of the state in which the attorney resides or is regularly employed as an attorney, or other proof of good standing satisfactory to the Court. The motion must be filed with the Clerk of the District Court or with the Clerk of the Bankruptcy Court, as appropriate, where the action is pending, with payment of the prescribed fee. If the attorney has not previously been granted e-filing access in this district, the attorney must request access through an Individual PACER account. Once e-filing access has been activated by the Court, all subsequent documents submitted to the Court by that attorney must be filed electronically, including the motion for pro hac vice admission and any subsequent motion for pro hac vice admission. Attorneys not admitted to this Court who appear in a miscellaneous case, in a case transferred to this Court pursuant to 28 U.S.C. § 1407 on an order of the Judicial Panel on Multidistrict Litigation, or in any other case transferred from another District Court on an order of that District Court, must request e-filing access through an Individual PACER account in the same manner as described above for attorneys seeking admission pro hac vice.

(G) Duty to Report Contact Information.

Attorneys admitted to practice under this rule have a continuing duty to promptly notify the Clerk of any change of name, business address, telephone number, or e-mail address. Changes must be submitted to the Court through the attorney's PACER account.

(H) Registration Number.

The registration number for each attorney granted regular admission to the bar of this Court will be the attorney's state bar number followed by the two-letter abbreviation of the applicable state in parenthesis; e.g., #12345 (MO). This registration number must be included in the attorney's signature block on every filing in this Court.

(I) Court Appointed Representation.

All attorneys who are members in good standing of the bar of this Court will be required to represent without compensation indigent parties in civil matters when so ordered by a judge of this Court, and to accept appointments by a judge to represent indigent criminal defendants under the Criminal Justice Act unless exempt by rule or statute, except when such

representation would create a conflict of interest. Statutory fees and expenses may be awarded as provided by law to an attorney appointed under this rule.

A self-represented litigant who receives appointed counsel in a civil matter will, absent extraordinary circumstances, not be entitled to the services of substitute or other appointed attorneys. If a self-represented litigant in a civil matter discharges an appointed attorney or requests for appointment of other counsel, the Court will inform the self-represented litigant of the provisions of this subsection of this rule before authorizing the appointed attorney to withdraw as counsel of record.

For each of the divisions of this Court, the Court may designate mentor attorneys who will be available to assist and advise appointed counsel. The involvement of a mentor attorney shall not create an attorney-client relationship between that mentor attorney and the client of the appointed attorney.

An attorney appointed in a civil matter will not be required to represent another self-represented litigant in another civil matter during the pendency of the civil matter and for a period of at least one year after final disposition of the civil matter before the Court. Compensation of the attorney appointed in a civil matter under this rule may be sought under Local Rule 12.03 ([FRCP 83](#)), Local Rule 12.06 ([FRCP 83](#)), any other applicable rule of the Court, or any other provision of law.

(Amendment to Paragraph (D) adopted October 2, 1999, effective December 1, 2000; Amendment to Paragraph (C) adopted July 9, 2004, effective August 16, 2004; Amended July 10, 2006, effective August 28, 2006; Amendment to Paragraph (A) adopted April 9, 2007, effective May 14, 2007; Amendment to Paragraph (E) adopted November 21, 2008, effective January 1, 2009; Amendment to Paragraph (D) adopted May 7, 2010, effective June 15, 2010; Amended June 15, 2012, effective August 1, 2012; Amended November 5, 2014, effective December 15, 2014; Amended November 4, 2015, effective January 1, 2016; Amended September 7, 2016, effective December 1, 2016.; Amended October 2, 2019, effective November 1, 2019; Amended December 14, 2022, effective March 1, 2023)

Rule 12.02 (FRCP 83) Attorney Discipline.

A member of the bar of this Court and any attorney appearing in any action in this Court, for good cause shown and after having been given an opportunity to be heard, may be disbarred or otherwise disciplined, as provided in this Court's Rules of Disciplinary Enforcement. In addition, a judge may impose sanctions pursuant to the Court's inherent authority, [Fed.R.Civ.P. 11](#), [16](#), or [37](#), or any other applicable authority, and may initiate civil or criminal contempt proceedings against an attorney appearing in an action in this Court.

The Rules of Professional Conduct adopted by this Court are the Rules of Professional Conduct adopted by the Supreme Court of Missouri, as amended from time to time by that Court, except as may otherwise be provided by this Court's Rules of Disciplinary Enforcement.

(Amended June 12, 2001, effective August 1, 2001)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

GENERAL RULES

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their voices.

(2) Examination of Witnesses.

Unless necessary to approach a witness or an exhibit, attorneys must examine witnesses from the counsel table or lectern. When examining witnesses from a lectern, an attorney must stand close to the lectern and with the lectern between the attorney and the witness. When examining witnesses from the counsel table, attorneys must sit or stand immediately next to the counsel table.

(3) Movement in the Courtroom.

Except to make an opening statement or closing argument, an attorney must not approach opposing counsel, the bench, a witness, the court reporter, courtroom deputy, the law clerk, or otherwise move from the counsel table or lectern without the court's permission. If an attorney must move often during a trial, upon request the court may grant continuing leave to make specified approaches.

(4) Colloquy Between Attorneys.

Attorneys may not audibly or inaudibly communicate with each other without the court's permission.

(5) Leaving the Courtroom.

Attorneys, including cocounsel, must have the court's permission to leave the courtroom. Cocounsel may have continuing permission to leave the courtroom at any time, although no attorney should leave during the testimony of a witness whom that attorney has examined.

(6) Referring to and Addressing Witnesses and Parties.

Witnesses and parties must be referred to and addressed by their surnames, unless the court grants leave to do otherwise.

1.7 Practice of Law.

(a) Bar of the Court.

The bar of this court consists of persons admitted to practice before the court. See NEGenR 1.7(d).

(b) Ethical Standards.

The standards of conduct governing the members of this court's bar follow.

(1) Rules.

Attorneys must comply with this court's rules.

(2) Conduct.

Attorneys must refrain from conduct unbecoming of a member of the bar.

(A) The court declines to adopt other codes of professional responsibility or ethics.

(B) However, and in addition to any other material, the court may consult other codes of professional responsibility or ethics to determine whether a lawyer has engaged in conduct unbecoming of a member of the bar.

(c) Free Press-Fair Trial Provisions.

(1) Inappropriate Statements.

A lawyer must not make an extrajudicial statement that the lawyer knows or reasonably should know will have a substantial likelihood of materially prejudicing a judicial proceeding. An extrajudicial statement, other than one permitted by Nebraska General Rule 1.7(c)(2), is likely to have a prejudicial effect when it refers to a civil matter triable to a jury, or a criminal matter or proceeding that could result in incarceration, and the statement relates to:

(A) the character, credibility, reputation, or criminal record of a party, suspect in a criminal investigation, or witness, or the identity of a witness, or the expected testimony of a party or witness;

(B) in a criminal matter that could result in incarceration, the possibility of a plea of guilty, or the existence or contents of any confession, admission, or statement given by a defendant

or suspect, or that person's refusal or failure to make a statement;

- (C) the performance or results of any examination or test, or a person's refusal or failure to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;
- (D) an opinion about the guilt or innocence of a defendant or suspect in a criminal matter that could result in incarceration; or
- (E) information the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and would if disclosed create a substantial risk of prejudicing an impartial trial.

(2) Appropriate Statements.

A lawyer involved in the investigation or litigation of a matter may state without elaboration:

- (A) the general nature of the claim or defense;
- (B) information stated in a public record;
- (C) that investigation of the matter is in progress, including the general scope of the investigation, the offense or claim or defense involved, and, unless prohibited by law, the identity of the persons involved;
- (D) the scheduling or result of any step in litigation;
- (E) a request for assistance in obtaining related necessary evidence and information;
- (F) a warning of danger concerning the behavior of a person involved, when danger reasonably exists; and
- (G) in a criminal case:
 - (i) a defendant's or suspect's identity, residence, occupation, and family status;

- (ii) information necessary to aid in a defendant's or suspect's apprehension;
- (iii) the fact, time, and place of arrest, resistance, pursuit, and use of weapons; and
- (iv) the identity of investigating and arresting officers or agencies, and the length of the investigation.

(d) Admission to Practice.

An attorney admitted and licensed to practice before the highest court of any state may apply for admission to practice in this court. The request must be submitted through PACER at the following web address: <https://www.pacer.gov/>. The attorney must read and acknowledge the oath in subsection 1.7(e) of this section and pay the prescribed fee. Once the clerk has verified the attorney's admission to the bar of the state identified on the application, the clerk will issue a certificate of admission and add the applicant's name to the attorney roll.

(1) Fee Waiver.

Attorneys employed with federal agencies are not required to pay the admission fee, but must still apply for admission to the court's bar as prescribed in subsection 1.7(d).

(e) Oath of Admission.

An applicant for admission to this court's bar must swear, affirm, or acknowledge the following:

As an officer of the United States District Court for the District of Nebraska I will demean myself faithfully, uprightly, and according to law; and I will support, uphold, and defend the Constitution of the United States of America.

(f) Admission for a Particular Case (Pro Hac Vice).

An attorney admitted and licensed to practice before the highest court of any state may apply in writing to practice in this court for a particular case. An initial request to proceed pro hac vice in this court must be submitted through PACER at the following web address: <https://www.pacer.gov/>; then, a motion filed in the applicable case. Unless directed otherwise, attorneys making subsequent appearances pro hac vice in this court need only file a

motion in the applicable case. The clerk will verify the attorney's admission to the bar of the state identified on the motion. An attorney admitted pro hac vice must read and acknowledge the oath in subsection 1.7(e) of this section.

(g) Attorney Appointments.

A judge may appoint any member of this court's bar to represent indigent litigants. This is an attorney's ethical obligation. Once appointed, an attorney is expected to conduct the litigation in a professionally zealous manner. An appointment does not, however, require an attorney to advance to the litigant the expenses of the litigation; expenses remain the litigant's responsibility, and the attorney may contract with the litigant for payment. Appointed attorneys may request authorization to incur expenses under the Criminal Justice Act, 18 U.S.C. § 3006A, or the Amended Plans for Administration of the Federal Practice Fund and the Federal Practice Committee, <https://www.ned.uscourts.gov/plans-and-policies>. Appointed attorneys may not, however, contract with the litigant for the payment of attorney fees for professional services without the court's explicit prior approval. Fees are available to appointed attorneys only as prescribed by the court or, alternatively, by the statutory framework of the litigant's claim or defense. See, e.g., 18 U.S.C. § 3006A; 42 U.S.C. § 1988.

(h) Pro Hac Vice Admission Fee.

In civil cases the only source of funds available to reimburse appointed attorneys for reasonable expenses incurred in representing an indigent litigant is the Federal Practice Fund, <https://www.ned.uscourts.gov/internetDocs/pom/crtplans/fedpract.pdf>. To ensure that the fund will cover these expenses, the court charges a pro hac vice fee to attorneys seeking to be admitted pro hac vice. The proceeds of this fee are used to defray the cost of maintaining a roll of attorneys admitted to practice before this court and for the Federal Practice Fund. Failure to pay the pro hac vice fee is cause to deny an attorney admission to proceed pro hac vice.

(i) Nonresident Attorneys.

A judge may require an attorney who is not a resident of this district to associate with an attorney who is both a resident of this district and a member of this court's bar. This resident attorney's name must be identified on all documents filed thereafter and that attorney must continue in the case unless another resident attorney makes an appearance. The resident attorney need not be present in court during all proceedings unless the court

orders otherwise. The resident attorney must have full authority to act for and on behalf of the client in all matters, including appearing at pretrial conferences, trial, or any hearings.

(j) Clinical Legal Education.

(1) Limited Admission.

(A) By Motion.

An eligible law student acting under a supervising attorney may be admitted to the limited practice of law in this court on the supervising attorney's motion.

(B) Representation.

(i) An eligible law student may represent the United States in both civil and criminal matters.

(ii) If a supervising attorney and the client give written consent, an eligible law student may represent the client in any civil or criminal matter.

(C) Permitted Activities.

The eligible law student may, under the conditions stated below, interview, advise, hold consultations, and prepare and sign documents for filing. The eligible law student may participate orally in contested and uncontested matters, including trials.

(D) Application of Rules.

The eligible law student is bound by all of this court's rules applicable to the supervising attorney in the case in which the law student is participating.

(2) Eligibility.

To be eligible to appear and participate a law student must:

(A) be a student enrolled and in good standing in a law school approved by the American Bar Association. A law student is considered enrolled during the student's law school's summer

vacation after completion of the requirements of Nebraska General Rule 1.7(j)(2)(B);

- (B) have completed 4 semesters of legal study or the equivalent if the law school is not on a semester basis;
- (C) file with the clerk:
 - (i) a law school dean's certificate stating that the student is of good moral character, meets the requirements in Nebraska General Rule 1.7(j)(2)(A) and (B), and is qualified to serve as a legal intern. The certificate must be in a court-approved form and is effective for 12 months after it is filed or until the student's graduation from law school, whichever is earlier;
 - (ii) a certificate in a court-approved form stating that the student has read and agrees to abide by this court's rules, applicable ethical standards, and other relevant federal practice rules; and
 - (iii) a notice of appearance in each case in which the student participates or appears as a law student intern. The notice must be in a court-approved form and signed by the supervising attorney, the student intern, and the client or authorized representative;
- (D) be introduced to the court in which the student appears by an attorney admitted to practice in this court; and
- (E) receive the court's affirmative consent for the student to appear before it.

(3) Restrictions.

A law student admitted under these rules may not:

- (A) request or receive compensation or remuneration of any kind directly from the client. This restriction does not prevent the supervising attorney or the attorney's law firm, a law school, a public defender, or any government agency from compensating the law student, or prevent any firm or agency from charging for its services as it may otherwise properly

charge;

- (B) appear in court without the supervising attorney; or
- (C) file any documents the student prepared that were not read, approved, and signed by the supervising attorney and cosigned by the student.

(4) Notice.

A supervising attorney who intends to use a student attorney under this rule in a contested matter must notify the court and opposing counsel before the matter is scheduled to begin. If the court decides the student attorney's participation would be inappropriate, the court will advise the supervising attorney and the student attorney may not appear.

(5) Termination.

A student attorney's certification terminates if the student attorney (A) does not take the first bar examination after graduation, (B) takes the examination and fails it, or (C) is admitted to full practice before this court. The student attorney's law school dean or the supervising attorney may withdraw the certification at any time by submitting a notice to the clerk. The notice need not state the cause for the withdrawal. A judge may also terminate a student attorney's admission to limited practice at any time without notice, hearing, or showing of cause.

(6) Supervising Attorney.

Any person acting as a supervising attorney under this rule must be admitted to practice in this court and must also:

- (A) assume personal professional responsibility for the conduct of the student being supervised;
- (B) cosign all documents prepared by the student;
- (C) advise the court of the student's participation under Nebraska General Rule 1.7(j)(4), be present with the student at all times in court, and be prepared to supplement oral or written work of the student as the court requests or as necessary to ensure

the client's proper representation; and

(D) be available for client consultation.

1.8 Attorney Discipline.

(a) Assignment of Disciplinary Matters.

(1) Assignments to Chief District Judge.

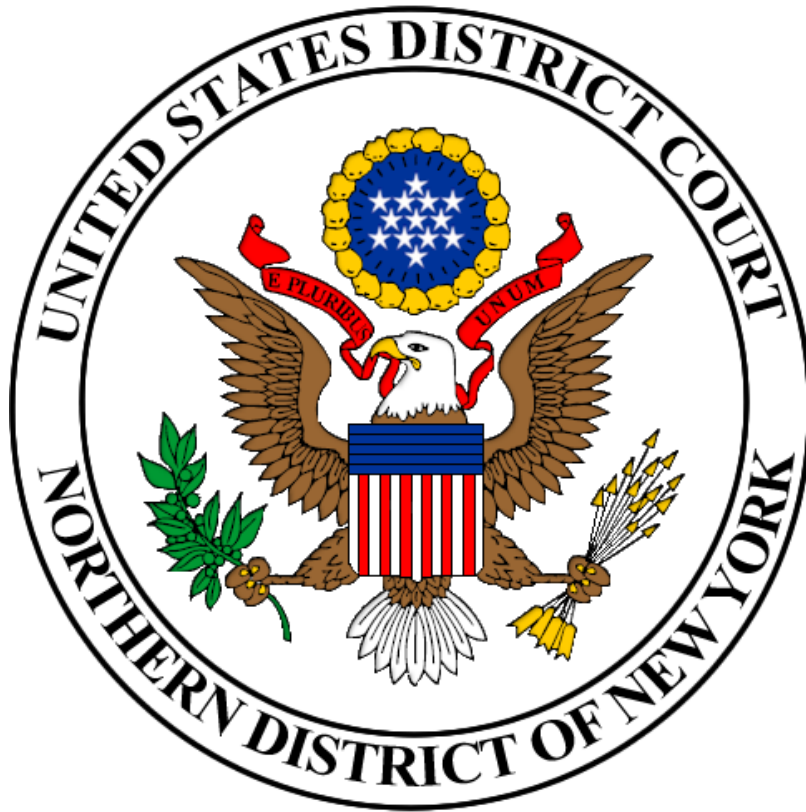
The chief district judge is assigned to resolve any attorney discipline matter that relates to (i) grand jury proceedings, (ii) an attorney convicted of a crime, (iii) an attorney who has been disbarred or suspended by another court, (iv) an open or closed criminal or civil case (including bankruptcy cases) in which the assigned judge is unable or unwilling to resolve the attorney discipline matter, or (v) any other instance not otherwise provided for by this rule. The chief district judge may reassign any such matter to any other judge of this court including a magistrate judge or a bankruptcy judge. If the chief district judge is unable or unwilling to resolve or reassign the matter, an active district judge selected at random will receive the assignment and, if there is no active district judge able or willing to accept the assignment, a senior district judge selected at random will receive the assignment.

(2) Assignments to Presiding Judge.

The judge (including a bankruptcy judge or a magistrate judge) assigned to resolve an open or closed criminal or civil case is also assigned to resolve any attorney discipline matter that relates to that open or closed criminal or civil case. In cases in which a district judge and a magistrate judge have both been assigned to an open or closed criminal or civil case, the assignment of the disciplinary matter will be to the district judge. In an open or closed bankruptcy case, the assignment will be to the bankruptcy judge except where the alleged disciplinary violation occurred before a district judge (as in appeals or otherwise) and in that circumstance the assignment will be to the district judge. If the assigned judge is no longer a member of the court, the chief district judge will either handle the case or assign it to another judge.

(3) Assignments and Other Responsibilities of the Clerk.

LOCAL RULES OF PRACTICE



**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF NEW YORK**

Effective JANUARY 1, 2024

All other attorneys in the employ of the United States Government seeking admission to practice in this Court, including those appointed under [28 U.S.C. §§ 541–543](#) who are not admitted to practice before any United States District Court, must comply with the requirements for admission or *pro hac vice* admission described in subsections (a)–(d) above.

(f) Changes to the Bar Record. Every attorney must update the information contained in their bar record within 14 days of a change. Attorneys shall update their information in PACER (<https://pacer.uscourts.gov/>). Updates to an attorney’s bar record are received by the Court via the attorney’s PACER account which may take up to 24 hours to process. Detailed instructions to update a bar record are available on the Court's website, www.nynd.uscourts.gov. Failure to keep this information current will result in removal from the roll of the Court.

(g) Pro Bono Service. Every member of the bar of this Court shall be required upon the Court’s request for appointment to represent or assist in the representation of indigent parties. The Court shall make appointments under this Rule in a manner such that the Court shall not request any attorney to accept more than one appointment during any twelve-month period. Attorneys employed by the Federal, State, Municipal Government or not-for-profit organizations are exempt from this *pro bono* requirement.

(h) Disciplinary Action in Other Jurisdictions. An attorney admitted pursuant to this section who is disciplined in any other jurisdiction shall advise this Court of such discipline within 14 days thereof. Failure to do so may result in removal from the roll of the Court.

(i) Felony or Misdemeanor Conviction. An attorney convicted of a felony or misdemeanor shall advise this Court of such conviction within 14 days thereafter. Failure to do so may result in removal from the roll of the Court in accordance with [Local Rule 83.3](#).

(j) Public Availability of Admissions Materials. The Clerk’s Office shall make all admissions materials available upon written request, except that the Clerk may redact any non-public personal identifiers described in [L.R. 5.2](#).

83.2 Pro Bono Service (formerly L.R. 83.3)

(a) Pro Bono Appointment.

1. All attorneys admitted to practice within the Northern District of New York, except attorneys employed by the government, are required to accept no more than one *pro bono* assignment per year on a rotating basis.
2. Any request to be excused from accepting a *pro bono* case assignment must be directed to the Chief Judge. Lack of experience in a specific area of law is not an acceptable reason to be excused. The Court expects attorneys admitted to practice in the NDNY to participate in periodic CLE training that the Court offers.

3. Where a *pro se* party has one or more other cases pending before this Court in which the Court has appointed an attorney, the Court may determine it to be appropriate that the attorney appointed in the other case or cases be appointed to represent the *pro se* party in the case before the Court.
4. The attorney will be contacted via email by the *Pro Bono* Administrator giving the attorney ten (10) business days to review the potential case assignment for any conflict. Failure to respond within 10 business days will result in an order appointing the attorney as *pro bono* counsel to be filed, and a notice of appearance by the attorney will be due.

(b) Application for Appointment of Attorney

1. Any application that a party appearing *pro se* makes for the appointment of an attorney shall include a form of affidavit stating the party's efforts to obtain an attorney by means other than appointment and indicating any prior *pro bono* appointments of an attorney to represent the party in cases brought in this Court, including both pending and terminated actions.
2. Failure of a party to make a written application for an appointed attorney shall not preclude appointment.
3. Where a *pro se* litigant, who was ineligible for an appointed attorney at the time of initial or subsequent requests, later becomes eligible by reason of changed circumstances, the Court may entertain a subsequent application, using the procedures specified above, within a reasonable time after the change in circumstances has occurred, or the Court may, in its discretion, *sua sponte* appoint *pro bono* counsel.

(c) Factors Used in Determining Whether to Appoint Counsel. Upon receipt of an application for the appointment of an attorney, the Court shall determine whether to appoint an attorney to represent the *pro se* party. The Court shall make that determination within a reasonable time after the party makes the application. Factors that the Court will take into account in making the determination are as follows:

1. The potential merit of the claims as set forth in the pleading;
2. The nature and complexity of the action, both factual and legal, including the need for factual investigation;
3. The presence of conflicting testimony calling for an attorney's presentation of evidence and cross-examination;

4. The capability of the *pro se* party to present the case;
5. The inability of the *pro se* party to retain an attorney by other means;
6. The degree to which the interests of justice shall be served by appointment of an attorney, including the benefit that the Court shall derive from the assistance of an appointed attorney;
7. Any other factors the Court deems appropriate.

(d) Order of Appointment. Whenever the Court concludes that the appointment of an attorney is warranted, the Court shall issue an order directing the appointment of an attorney to represent the *pro se* party. The Court shall promptly transmit the order to the Clerk. If service of the summons and complaint has not yet been made, the Court shall accompany its appointment order with an order directing service by the United States Marshal or by other appropriate method of service.

(e) Notification of Appointment. After the Court has appointed *pro bono* counsel, the attorney will receive a copy of the appointment order via CM/ECF. Costs the attorney incurs in obtaining copies of materials filed prior to appointment are recoverable under [L.R. 82.3\(g\)](#). *Pro Bono* counsel may also make a request to the Clerk's office to regenerate any documents electronically filed on the docket which will be sent to the attorney via email at no cost.

(f) Duties and Responsibilities of Appointed Counsel. On receiving notice of the appointment, the attorney shall promptly file a notice of appearance in the action to which the appointment applies unless precluded from acting in the action or appeal, in which event the attorney shall promptly notify the Court and the putative client. Promptly following the filing of an appearance, the attorney shall communicate with the newly-represented party concerning the action. In addition to a full discussion of the merits of the dispute, the attorney shall explore with the party any possibilities of resolving the dispute in other forums, including but not limited to, administrative forums. If after consultation with the attorney the party decides to prosecute or defend the action, the attorney shall proceed to represent the party in the action unless or until the attorney-client relationship is terminated as these Rules or court order provide. If the attorney is appointed as Special Mediation Counsel, the attorney-client relationship will be terminated by Court order at the end of the mediation process, as described in L.R. [83.6\(d\)\(4\)](#).

In the Court's discretion, the Court may appoint stand-by counsel to act in an advisory capacity. "Stand-by counsel" is not the party's representative; rather, the role of stand-by counsel is to provide assistance to the litigant and the Court where appropriate. The Court may in its discretion appoint counsel for other purposes.

(g) **Reimbursement for Expenses.** *Pro Bono* attorneys whom the Court appoints pursuant to this Rule may seek reimbursement for expenses incident to representation of indigent clients by application to the Court. Reimbursement or advances shall be permitted to the extent possible in light of available resources and, absent extraordinary circumstances, shall not exceed **\$2,000.00**. Any expenses in excess of \$500.00 should receive the Court's prior approval. If good cause is shown, the Court may approve additional expenses. The [Pro Bono Authorization Request form](#) can be found on the Court's website. Appointed counsel should seek reimbursement using the [Pro Bono Fund Voucher and Request for Reimbursement Form](#) and should accompany this form with detailed documentation. The Court advises counsel that if they submit a voucher seeking more than **\$2,000.00** without the Court's prior approval, the Court may reduce or deny the request. The Chief Judge or a judge whom the Chief Judge designates to authorize withdrawals must approve all reimbursements made by withdrawal from the District Fund. **To the extent that appointed counsel seeks reimbursement for expenses that are recoverable as costs to a prevailing party under [Fed R. Civ. P. 54](#), the appointed attorney must submit a [verified bill of costs](#) on the form the Clerk provides for reimbursement of such expenses.**

(h) **Attorney's Fees.** Except as provided in this subsection, an appointed attorney cannot recover attorney's fees from the *Pro Bono* Fund. However, in its discretion, the Court may award an appointed attorney for a prevailing party attorney's fees from the judgment or settlement to the extent that the applicable law permits. See, e.g., [28 U.S.C. § 2678](#) (permitting the attorney for a prevailing party under the Federal Tort Claims Act to recover up to 25% of any judgment or settlement); [42 U.S.C. § 1988\(b\)](#) (authorizing an additional award of attorney's fees to prevailing parties in civil rights actions).

(i) **Grounds for Relief from Appointment.** After appointment, an attorney may apply to be relieved from an order of appointment only on one or more of the following grounds, or on such other grounds as the appointing judge finds adequate for good cause shown:

1. some conflict of interest precludes the attorney from accepting the responsibilities of representing the party in the action;
2. the attorney does not feel competent to represent the party in the particular type of action assigned, after the attorney has completed a Court CLE in that area of law;
3. some personal incompatibility exists between the attorney and the party or a substantial disagreement exists between the attorney and the party concerning litigation strategy; or
4. in the attorney's opinion the party is proceeding for purposes of harassment or malicious injury or 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.

(j) **Application for Relief from Appointment.** An appointed attorney shall make any application for relief from an order of appointment on any of the grounds set forth in this Rule to the Court promptly after the attorney becomes aware of the existence of such grounds or within such additional period as the Court may permit for good cause shown.

(k) **Order Granting Relief from Appointment.** If the Court grants an application for relief from an order of appointment, the Court shall issue an order directing the appointment of another attorney to represent the party. Where the application for relief from appointment identifies an attorney affiliated with the moving attorney who is able to represent the party, the order shall direct appointment of the affiliated attorney with the consent of the affiliated attorney. Any other appointment shall be made in accordance with the procedures set forth in these Rules. Alternatively, the Court shall have the discretion not to issue a further order of appointment, in which case the party shall be permitted to prosecute or defend the action *pro se*.

83.3 Discipline of Attorneys (formerly L.R. 83.4) (amended January 1, 2024)

(a) The Chief Judge shall have charge of all matters relating to discipline of members of the bar of this Court.

(b) **Grounds for Discipline or Other Relief:** Any person admitted to practice in this Court may be censured, suspended, disbarred or otherwise disciplined for cause shown pursuant to subsections (1) through (8) of this section, after judicial review of the papers submitted, oral argument and/or an evidentiary hearing in the Court's discretion. The Chief Judge may appoint one or more judges to investigate, review, hear and to report findings and a recommendation as to any disciplinary matter, including any grievances or complaints lodged from any source and any application made by an attorney for relief from discipline. Complaints or grievances, and any related documents, shall be treated as confidential. Discipline shall be imposed only upon order of the Court, and the Court, in its discretion, shall determine whether the order will be made available to the public, or published, or circulated.

- (1) **Felony Conviction:** Any member of the bar of this Court who is convicted of a felony in any State, Territory, other District, Commonwealth, or Possession shall be suspended from practice before this Court, upon presentation of a copy of the judgment of conviction, and unless an order to vacate the order of suspension has been granted, shall cease to be a member of the bar of this Court. The attorney who is convicted of a felony is required to submit a copy of the judgment of conviction to the Clerk of Court within fourteen (14) days from the date the judgment is issued. In all proceedings, a judgment of conviction shall constitute conclusive proof of the attorney's guilt of the conduct for which the attorney was convicted.

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF NEW YORK



LOCAL RULES OF CIVIL PROCEDURE
(Effective January 1, 2024)

RULE 83.8

PRO BONO SERVICE

The interests of justice and judicial economy are facilitated when counsel can be appointed to represent indigent *pro se* litigants. Participation in the Court's *Pro Bono* Program not only bestows a service to the community by ensuring equal access to the courts through the provision of legal counsel to indigent litigants, but also greatly assists the Court in the adjudication of *pro se* cases. The New York Rules of Professional Conduct, which apply to all attorneys admitted to this Court, state that attorneys are "strongly encouraged" to provide *pro bono* legal services. While the Court recognizes that there are many *pro bono* services provided by volunteer attorneys throughout the community, the Court relies upon the generous cooperation and service from the attorneys admitted to practice before it to further these interests.

(a) Formation of the Volunteer Panel, Assignment Wheel, and Senior Pro Bono Panel.

The Clerk of Court will establish a "Volunteer Panel" and an "Assignment Wheel" which shall be used to assign Members of the bar of this Court to provide *pro bono* representation to indigent litigants in civil cases according to the criteria and procedures set forth in this Rule. The Court will also select attorneys to serve on a "Senior *Pro Bono* Panel" to assist attorneys appointed from the Volunteer Panel and Assignment Wheel. The Senior *Pro Bono* Panel will be selected from attorneys who, upon request of the Court, or otherwise, have volunteered to serve. A list of Senior *Pro Bono* Panel attorneys shall be maintained by the Clerk of Court.

(1) Volunteer Panel.

The Clerk of Court will establish a panel of *pro bono* volunteer attorneys, which shall be comprised of attorneys who are Members of the bar of this Court and who contact the Clerk's Office in writing to request to be included on the Volunteer Panel. An attorney who volunteers to be placed on the Volunteer Panel may elect to volunteer for either full-scope or limited-scope appointments, or both.

In a full-scope appointment, the attorney will represent the litigant in all aspects of the case before the Court (excluding any appellate practice unless the attorney agrees to provide appellate representation).

In a limited-scope appointment, the attorney will represent the litigant only for the purpose or purposes identified by the Court in the Order of Appointment (unless the attorney reaches an agreement with the litigant to provide additional representation beyond that set forth in the Order of Appointment).

Any attorney who has been placed on the Volunteer Panel may request in writing to be removed from that panel at any time, in which case the attorney shall be removed from that panel, but shall be placed on the Assignment Wheel and any pending appointments will remain in effect. The Court may remove an attorney from the Volunteer Panel for good cause.

(2) **Assignment Wheel.**

Any Member of the bar of this Court who has appeared as counsel of record in at least one civil or criminal action in the District within the last two (2) calendar years of the appointment, shall be included in the Assignment Wheel except for (a) an attorney whose office address is outside the District; (b) an attorney who is employed full-time as an attorney for an agency or branch of the United States, a State, or a municipality; (c) an attorney who is employed full-time as an attorney by a not-for-profit legal aid organization; (d) an attorney who has notified the Clerk of Court in writing that he or she has retired from the practice of law; (e) an attorney who has notified the Clerk of Court in writing that he or she has been suspended or resigned from the bar of this Court; or (f) an attorney who is on the Volunteer Panel or Senior *Pro Bono* Panel. Assignments made to attorneys from the Assignment Wheel may be either full-scope or limited-scope appointments.

(3) **Senior *Pro Bono* Panel.**

The Court recognizes that attorneys with limited experience can still provide valuable assistance to indigent litigants. To assist such attorneys, the Court has established a Senior *Pro Bono* Panel of experienced federal court practitioners to provide guidance and assistance in appropriate cases. In instances where an appointed attorney desires the assistance of an attorney with greater experience, the attorney is encouraged first to seek out assistance from an appropriate attorney within his or her firm, where applicable, who may enter an appearance as co-counsel. An attorney entering an appearance as co-counsel under these circumstances will receive the same benefits under the Rule as the initially appointed attorney.

In the event that an appointed attorney is unable to enlist the assistance of co-counsel from within his or her firm, he or she may request the appointing Judge to (or the appointing Judge may *sua sponte*) appoint a member of the Senior *Pro Bono* Panel as co-counsel to that attorney. When a Senior *Pro Bono* Panel attorney is appointed, this attorney will act in a mentoring role to the initially appointed attorney, but will also be listed as counsel of record. Attorneys selected by the Court to be members of the Senior *Pro Bono* Panel, and who agree to serve, will not be included on the Volunteer Panel or Assignment Wheel unless otherwise requested.

(b) **Appointment of Counsel.**

- (1) *Pro bono* counsel may be appointed by either the District Judge or the Magistrate Judge (“presiding Judge”) upon motion or *sua sponte* when the presiding Judge determines that appointment of counsel for an indigent litigant will serve the interests of justice. Newly filed cases in which any party is unrepresented may be evaluated by the presiding Judge for appointment of *pro bono* counsel under this Rule at an early stage.

- (2) The presiding Judge may appoint counsel for a specific limited purpose, such as for participating in mediation pursuant to the Court's Alternative Dispute Resolution Plan, amending pleadings, conducting discovery, drafting or responding to motions, or for any other purpose the presiding Judge determines will serve the interests of justice.
- (3) Because of their common goal of providing access to justice, the Erie County Bar Association Volunteer Lawyers Project and JustCause, formerly the Volunteer Legal Services Project of Monroe County, Inc., have agreed that, when possible, attorneys appointed under this Rule shall be considered volunteers to those organizations and afforded all accompanying benefits. The parameters of involvement for those organizations will be detailed in the Order of Appointment.

(c) Appointment Procedure.

- (1) Upon determining that *pro bono* counsel should be appointed, the presiding Judge may appoint an attorney from the Volunteer Panel or, if no attorney from the Volunteer Panel is available, may appoint an attorney selected from the Assignment Wheel. In either case, the Court will send a "Notice Letter" to the selected attorney advising of the impending appointment.
- (2) If the selected attorney does not seek relief from the appointment pursuant to subdivision (D) of this Rule, a "Notice of Appointment and Acknowledgment" will be mailed to the *pro se* litigant. If an executed Notice of Appointment and Acknowledgment is not received by the Court within twenty-one (21) business days of the date issued, no appointment will be made. Upon timely receipt of an executed Notice of Appointment and Acknowledgment, an Order of Appointment will be issued.

(d) Relief from Appointments.

- (1) In the interests of justice and judicial economy to provide legal counsel to indigent litigants, and consistent with the New York Rules of Professional Conduct, attorneys are strongly encouraged to accept *pro bono* assignments under this program. If an attorney determines that it is necessary to seek relief from an impending appointment, such requests for relief shall be made by letter addressed to the presiding Judge within fourteen (14) business days of the date of the Notice Letter. Counsel will be deemed to have consented to the impending appointment unless relief from the impending appointment is requested within that time period. An Order of Appointment will be issued if no request for relief is made and an executed Notice of Appointment and Acknowledgment is timely returned by the *pro se* litigant. Any application to withdraw as counsel after an Order of Appointment is issued shall be made pursuant to the procedure set forth in Loc. R. Civ. P. 83.2(c).
- (2) Automatic relief from an appointment shall be granted, upon request, to any attorney who (a) has a conflict of interest as defined in the New York Rules of Professional Conduct (Rules 1.7-1.12); (b) is exempt from inclusion in the Assignment Wheel pursuant to subsections (A)(2)(a)-(f) of this Rule; (c) has

appeared in a *pro bono* capacity in an assigned case currently pending before this Court; (d) has served in a *pro bono* capacity in any case in this district that has concluded within two years (for full-scope appointments) or one year (for limited-scope appointments); or (e) is an active member of the Criminal Justice Act Panel. Applications for automatic relief from an impending appointment should be made as soon as practicable, but no later than fourteen (14) business days of the date of the Notice Letter.

(e) Scope and Duration of the Appointment.

- (1) Unless the Court grants a motion to withdraw pursuant to Loc. R. Civ. P. 83.2(c), any appointment under this Rule shall be limited to only those matters set forth in the Appointment Order and the appointed attorney shall represent the party in the action until a final judgment is entered (or some other order is entered terminating the action), or the issue(s) designated by the Court have been resolved.
- (2) Only in the case of a limited scope appointment, counsel shall file a notice of termination of limited representation, upon fulfillment of the appointment. Upon receipt of such notice, the Clerk of Court shall automatically terminate pro bono counsel from the case and terminate pro bono counsel's receipt of ECF notifications related to the case. Any attorney appointed for a limited purpose may, with the concurrence of the litigant, apply at any time for an order expanding the appointment.

(f) Expenses.

- (1) An attorney appointed pursuant to this Rule, who, for any reason is unsuccessful in recovering costs, may apply to the Court for reimbursement of expenses incident to the representation. Reimbursement will be permitted to the extent possible in light of available resources and pursuant to the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel ("Guidelines") available on the Court's website, <http://www.nywd.uscourts.gov>. Certain expenses require pre-approval as set forth in the Guidelines.
- (2) The Court considers any attorney appointed under this Rule to be a volunteer on behalf of a governmental entity for purposes of the Volunteer Protection Act of 1997, 42 U.S.C. §§ 14501-05, as long as such attorney does not receive an award of compensation for services in excess of \$500 per year (other than reasonable reimbursement or allowance, approved by the Court under this Rule, for expenses actually incurred).

FILED

MAR 24 2021

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY NFO
DEPUTY CLERK

In re: Appointment of Counsel to
Represent Indigent Parties in
Civil Cases

§
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§
STANDING ORDER ESTABLISHING
A+, A, AND B PANELS FOR CIVIL
APPOINTMENTS IN THE SAN
ANTONIO DIVISION AND
SUPPLEMENTING AMENDED PLAN
FOR REIMBURSEMENT OF
COUNSEL

To assist the Judges of the San Antonio Division of the Western District of Texas in appointing counsel to represent indigent parties in civil cases, the Court hereby enters this Order supplementing the Court's Order Adopting Amended Plan for the Payment of Attorney Fees and Reimbursement of Attorney Expenses in Civil Cases (W.D. Tex. July 29, 2011) (hereinafter "2011 Amended Plan").

I. Preamble: Representation of the Indigent in Federal Court.

The law has long recognized the inherent power of the Court, and the ethical obligations of the bar, to ensure the adequate representation of the indigent. The Court's inherent power to require attorneys to represent indigent parties is "rooted in courts' duty to maintain the functioning of the civil justice system as a whole." *Naranjo v. Thompson*, 809 F.3d 793, 803 (5th Cir. 2015). The Court's duty accords with the ethical obligations of the bar. "[T]he bar's monopoly over legal services entails obligations to court and society." *Id.* (quoting *United States v. Bertoli*, 994 F.2d 1002, 1018 (3d Cir. 1993)). By virtue of their special status as officers of the court, lawyers have an ethical duty of "[a]ccepting a court's request to represent the indigent." *Naranjo*, 809 F.3d at 804 (quoting *Mallard v. U.S. Dist. Ct. for the S. Dist. of Iowa*, 490 U.S. 296, 310-11 (1989) (Kennedy, J., concurring)). This duty is formalized in the Texas Disciplinary Rules of Professional Conduct, which highlight the "moral obligation of each lawyer" to provide legal services to those unable to pay, *see* TEX. DISCIP. R. OF PROF. CONDUCT, preamble note 6, and require that attorneys

accept court appointments absent good cause, *see id.*, Rule 6.01. Attorneys commit to these rules, and this ethical and moral obligation, when admitted to this Court. *See* W.D. TEX. R. AT-7(a).¹

Although the obligation to represent those unable to afford counsel is one shared by all attorneys, the Court recognizes the heavy burden it can impose on members of the bar, particularly given the ever-increasing difficulty and expense associated with federal civil litigation. For this reason, the Judges of the Western District of Texas have enacted orders over the past 35 years, culminating in the 2011 Amended Plan, which establish policies designed to help alleviate some of that burden. This Order is intended to further assist the Court and the San Antonio Division bar in addressing this important obligation.

II. Adoption of Procedures and Policy for Appointment in Civil Cases.

In accordance with the traditions set out in Part I, *supra*, and to assist the Court in fairly allocating the burden of *pro bono* civil representations in the San Antonio Division, the procedures in Parts III through VIII below are hereby **ADOPTED**. These procedures are intended to:

- (1) limit the frequency of civil appointments to any particular member of the Bar;
- (2) limit civil appointments to those attorneys most willing, and most qualified, to accept them;
- (3) increase the amount of fees that may be paid and expenses that may be reimbursed for appointed counsel; and

¹ Thus, as the Fifth Circuit long ago noted, “[a]n applicant for admission to practice law may justly be deemed to be aware of the traditions of the profession which he is joining, and to know that one of these traditions is that a lawyer is an officer of the court obligated to represent indigents for little or no compensation upon court order.” *Dolan v. United States*, 351 F.2d 671, 672 (5th Cir. 1965) (citations omitted)). “It is not too much to expect that attorneys will accept these appointments as a matter of course, even if that burden falls most heavily on those practicing in areas where representation is hardest to find.” *Naranjo*, 809 F.3d at 804.

- (4) ensure that the ethical obligations of members of this bar are fulfilled in accordance with both state and federal law.

It is further **ADOPTED** as the general policy of the Judges of the San Antonio Division of the United States District Court for the Western District of Texas that no attorney be appointed to more than one civil case every three years, absent either the attorney's consent or other special circumstances as found by the presiding judge in any particular case.

III. Establishment of the A+, A, and B Panels for Civil Appointments.

In order to effectuate the policies set out in Part II, *supra*, it is hereby **ORDERED** that all attorneys in private practice² admitted to practice in the San Antonio Division³ shall be placed in one of three panels for appointment in civil cases:

- (1) *The "A+" Panel.* The "A+" panel will consist of attorneys who:

- (A) are qualified by their experience, background, or expertise to handle common categories of San Antonio Division *pro se* civil cases⁴; and
- (B) are willing to accept more than one appointment every three years.

It is the general policy that, absent the circumstances mentioned in Part II of this Order, no A+ panel attorney will be required to accept more than one case per year, or handle more than one case at any time.

² Attorneys employed by federal, state, or local government entities are excluded from the panels established in this Part.

³ This Order applies only to those attorneys who were admitted to the bar of the Western District of Texas based on an application submitted to San Antonio Divisional Committee on Admissions. *See* W.D. TEX. R. AT-1(c), (d).

⁴ Such common categories include civil rights, employment, debt collection, property rights, personal injury, immigration, and social security. A list of common categories is provided in the CM/ECF registration system as discussed in Part IV, *infra*.

- (2) *The “A” Panel.* The “A” panel will consist of attorneys who are qualified by their experience, background, or expertise to handle one or more common category of San Antonio Division *pro se* civil cases as noted in paragraph (1) of this Part, but who prefer not to handle more than one appointment every three years.
- (3) *The “B” Panel.* The “B” panel will consist of all San Antonio Division attorneys in private practice not placed in either the “A+” or “A” panels set out above. Unless otherwise requested by an attorney or ordered by the Court, an attorney who offices outside the San Antonio Division will be placed on the “B” panel.

Lists of the lawyers on each panel set out above will be maintained by the Clerk of Court, and shall be publicly available upon request.

IV. Panel Placement.

In order to determine the placement of each attorney admitted to practice in the San Antonio Division into one of the three panels set out in Part III, it is **FURTHER ORDERED** as follows:

- (1) **On or before July 1, 2021**, each attorney admitted to the San Antonio Division must update the information in his or her account in the Court’s automated “Case Management/Electronic Case Files” (CM/ECF) system to provide information necessary to determine the attorney’s proper placement in one of the appointment panels described in Part III, *supra*. The link to provide the required update may be accessed on each attorney’s “Attorney Welcome” page on CM/ECF. **Attorneys are admonished that failure to update their account information as required may constitute grounds for removal from the bar of this Court.**
- (2) Once the attorney has updated his or her account information, the attorney will automatically be placed in one of the three appointment panels described in Part III. The

Court may review and adjust the attorney's panel placement as it deems appropriate.

The attorney's placement will be shown in his or her account profile.

- (3) Each attorney applying for admission to the San Antonio Division after the date of this Order will be required to provide information to allow for placement in accordance with paragraph (2) of this Part.
- (4) In the Court's discretion, admitted attorneys may be required to update and resubmit their account information from time to time so their panel placement may be updated as the Court deems appropriate.

V. Appointment.

After panels are established as set out in Parts III and IV above, the Court may, in any case to which it finds appointment of counsel to be warranted,⁵ appoint an attorney from the "A+" Panel to represent an indigent party.⁶ Should no attorney on the "A+" Panel be available or appropriate for appointment in the case, the Court may appoint an attorney from the "A" Panel. Should no

⁵ Appointment of counsel remains a matter of Court discretion. It has long been settled that the appointment of counsel in a civil case is a privilege, not a constitutional right, and that appointment "should be allowed in civil actions only in exceptional cases." *Lopez v. Reyes*, 692 F.2d 15, 17 (5th Cir. 1982) (citing *Hardwick v. Ault*, 517 F.2d 295, 298 (5th Cir. 1975)); see also *Ulmer v. Chancellor*, 691 F.2d 209, 212 (5th Cir. 1982) (same). Although the Fifth Circuit has declined to articulate a comprehensive definition of the "exceptional" circumstances that support appointment of counsel, it has identified a number of factors that a district court should consider in determining whether appointment is warranted, including: (1) the type and complexity of the case; (2) the party's ability to present and investigate the case; (3) the presence of evidence which largely consists of conflicting testimony so as to require skill in presentation of evidence and in cross-examination; and (4) the likelihood that appointment will benefit the party, the court, and the opposing party by shortening the trial and assisting in just determination. *Naranjo*, 809 F.3d at 799 (citing *Parker v. Carpenter*, 978 F.2d 190, 193 (5th Cir. 1992)). District courts may also consider the extent of a party's attempts to secure private counsel independently. See *Jackson v. Cain*, 864 F.2d 1235, 1242 (5th Cir. 1989).

⁶ For purposes of this Order, an indigent party is defined as one who has been unable to retain counsel due to lack of adequate resources. Cf. 28 U.S.C. § 1915(e)(1). The Court may require a party to establish indigency by affidavit. Cf. 28 U.S.C. § 1915(a)(1).

attorney on the “A” Panel be available or appropriate for appointment in the case, the Court may consider appoint an attorney from the “B” Panel.

In any particular case, the Court may, in the interests of justice, assign counsel without regard to the attorney’s panel placement.

VI. Representation.

An appointed lawyer has the same obligations to the client as retained counsel, including the obligations of loyalty, confidentiality, and zealous advocacy. TEX. DISCIP. R. OF PROF. CONDUCT 6.01, note 2.

The general terms of appointment in civil cases are set out in the Appendix to this Order. An appointed attorney may request that the party agree to modify these terms or add other terms by written contract; however, a party’s refusal to agree to additional terms is not grounds for the attorney’s withdrawal from the appointment.

VII. Termination; Withdrawal.

Absent order of the Court, the appointment of counsel terminates at the dismissal or entry of final judgment in the case. Once appointed, an attorney may not seek to withdraw from a case absent a showing of good cause. Examples of “good cause” may include:

- (1) the party’s request that the attorney withdraw;
- (2) a conflict of interest, or other reason required by the applicable professional rule of conduct;
- (3) unusual medical or other personal reasons;
- (4) unreasonable financial hardship; and
- (5) unusually high workload arising from other cases pending in this Court.

Even if heavy, the normal caseload of an attorney or law firm does not typically provide good cause to withdraw from a case.

Consistent with Part III above, an attorney on the “A+” panel may seek to withdraw from an appointed case if the attorney is currently handling another civil or criminal case by appointment, or if the attorney has been appointed to another civil or criminal case within the last year. An attorney on the “A” panel may seek to withdraw from an appointed case if the attorney is currently handling another civil or criminal case by appointment, or if the attorney has been appointed to another civil or criminal case within the last three years.

VIII. Payment and Reimbursement.

Attorneys appointed pursuant to the provisions of this Order may seek reimbursement under the 2011 Amended Plan. Notwithstanding the general limits set out in the 2011 Amended Plan, attorneys appointed pursuant to provisions of this Order may be paid up to \$5,000 in attorney’s fees and reimbursed up to \$5,000 in expenses. Absent a showing of good case, fees shall be paid at the hourly rate applicable to non-capital cases under the Criminal Justice Act, 18 U.S.C. § 3006A. Expenses that may be reimbursed are those identified in Part IV of the 2011 Amended Plan.

No payment of fees or reimbursement of expenses may be sought under this Order if they have been waived, or if they are recoverable under the United States Code, the Federal Rules of Civil or Criminal Procedure, or any other statute, rule, regulation, order, or plan of reimbursement.

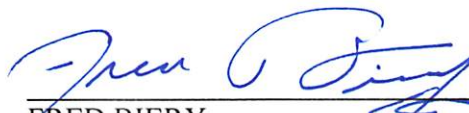
Payment and reimbursement shall be made from the Court’s Non-Appropriated Fund (“NAF”). No payment or reimbursement will be made absent approval from the presiding judge in the case and the NAF Committee. Claims for payment or reimbursement shall be submitted in

the form set out in the 2011 Amended Plan. Payment or reimbursement in excess of the maximum amounts set out in this Order may be awarded only as provided by the 2011 Amended Plan.

Adopted by the Court on MARCH 24TH, 2021.



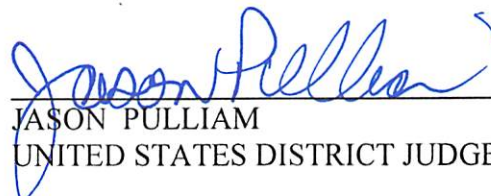
ORLANDO L. GARCIA
CHIEF UNITED STATES DISTRICT JUDGE



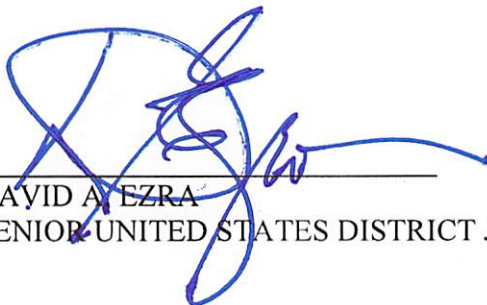
FRED BIERY
UNITED STATES DISTRICT JUDGE



XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE



JASON PULLIAM
UNITED STATES DISTRICT JUDGE



DAVID A. EZRA
SENIOR UNITED STATES DISTRICT JUDGE

APPENDIX

The following are general terms for an appointment of a member of the Bar of this Court (hereinafter “the Attorney”) for an indigent party (hereinafter “the Party”), made under the Court’s Standing Order Establishing A+, A, And B Panels for Civil Appointments in the San Antonio Division and Supplementing Amended Plan for Reimbursement of Counsel (W. D. Tex. Apr. 1, 2021). These terms may be modified only by the written agreement of the Attorney and the Party, or by Order of the Court.

1. The Attorney’s fees and expenses: The party understands and acknowledges that the Attorney has been engaged pursuant to a valid and lawful federal court order. In his or her representation of the Party, the Attorney may seek to recover reasonable Attorneys’ fees on behalf of the Party based on hourly billings if permitted by law, but makes no guarantee that such fees can or will be awarded or recovered. The expenditure of out of pocket litigation expenses is solely in the discretion of the Attorney. The Attorney is authorized to seek reimbursement of out of pocket litigation expenses from the Court’s Non-Appropriated Fund.

2. Representation limited to current case: The Attorney will assist the party only in this matter. The Attorney will not represent the Party in any other matter unless a by separate agreement. Other matters include any lawsuit, agency proceeding, appeal, or enforcement of a judgment.

3. Settlement: Most cases end with an out-of-court settlement agreement rather than a trial. The Attorney and the Party will inform each other of all settlement proposals received from any Opponent. The Attorney will not compromise or settle the Party’s claims without the written consent of the Party.

4. No guarantee of success; consequences of losing: Appointment of counsel is no guarantee of success, recovery or the amount of any recovery. The Attorney cannot accurately predict the outcome of the case. The Party understands that if he or she loses a lawsuit, a Court can, when authorized by law, order the Party to pay an Opponent’s costs and attorney fees.

5. Work by individuals other than the Attorney: The Party understands and agrees that the Attorney may assign lawyers and other staff to provide legal services to the Party in the matter stated above. The Party agrees that the Attorney may change staff over time and may also assign staff who are not the Attorney’s employees. The Attorney agrees that all staff assigned will follow applicable rules of professional conduct and this Agreement.

6. Withdrawal or termination: The Attorney may seek to withdraw from representing the Party as permitted by Court procedure or required by any applicable rule of professional conduct. The Party may terminate the relationship with the Attorney at any time for any reason.

7. Contact with the Opponent and third parties: The Party will promptly tell the Attorney if any reporter, Opponent, or Opponent’s lawyer tries to contact the Party directly. The Party will notify the Attorney prior to contacting any reporter, Opponent, or Opponent’s lawyer.

8. Updated contact information: The Party will make sure that the Attorney always has a good way to contact the Party, work to promptly provide all documents and information that the Attorney requests, and attend all meetings and court proceedings.

9. The Party’s cooperation: The Party shall appear on reasonable notice at any and all depositions and court appearances, and shall comply with all reasonable requests of the Attorney in connection with the preparation and presentation of the matters set forth above.

10. Power of the Attorney to execute documents: Subject to paragraph (3) above, the Party hereby grants the Attorney a special power of attorney to execute all documents connected with the claims, including, but not limited to, contracts, drafts, settlement agreements, compromises and releases, dismissals, judgments, orders and all other documents.

11. Information about the litigation: The Party understands and agrees that the Attorney will reasonably keep the Client informed of the litigation through phone calls and/or electronic message, including providing all documents as necessary.

12. Tax matters: The Attorney will not advise the Party about the taxability of money received from this claim. The Party will seek the advice of the tax professional of their choosing in order to determine the tax consequences, if any, of any settlement, judgment or compromise.

13. The Attorney's obligation to the court system: The Attorney will not advance any groundless, meritless, or spurious claims of fact or law in the advancement of the claim covered by the Attorney's appointment, and such determination as to whether a proposed course of action violates any law or rule shall be solely vested in the Attorney.

14. The Party's authority: The Party represents that he/she is the full owner of the claims and matters for which the Attorney has been appointed.

15. Complaints: In the event the Party has a complaint against or a dispute with Attorney, the Party may contact the State Bar Office of General Counsel to obtain information about how to file a complaint. The State Bar Office of General Counsel may be reached at 1-800-932-1900, which is a toll-free number.

First Circuit Judicial Council Access to Justice District Courts' Subcommittee,
Form Simplification and Translation Working Group --
Summary Recommendations
Appendix
April 2024

The **United States District Court for the District of Maine** provides consolidated resources for pro se litigants in a section of the court website entitled "Representing yourself (pro se)." The resources are designed to assist self-represented persons in the task of representing themselves at court and include links to procedural rules and legal forms, a list of FAQs, and handbooks with guidance on service of process, electronic filing and motion practice. Though substantive, the site explicitly clarifies that the resources are not a substitute for legal advice from an attorney and that the clerk's office cannot provide legal advice to litigants, and connects litigants to attorney referral services and low cost legal services, including a clinic at the University of Maine School of Law. The court has also created word templates for pro se litigants' filings that are formatted to be compliant without additional work by a pro se litigant, as well as simplified, with a clear language explanation on what is expected in each section for users who are not familiar with legal terminology.¹

The **United States District Court for the District of Massachusetts'** website has a designated page titled "Representing Yourself," with curated resources most useful for pro se litigants aggregated in one place.² These include both locally created documents and links to national resources created by the Administrative Office of the United States Courts (e.g., a glossary of common legal terms, forms frequently needed by pro se litigants, and relevant rules). The locally created documents, which could be easily adapted to any district modifying only contact information and local rule references, include a step-by-step guide to filing a civil action, with a brief overview of jurisdiction, terms, and the path of a case. Local resources also include more detailed pro se handbooks, in both English and Spanish, that can be downloaded from the website or mailed to self-represented litigants.³ Other local resources include FAQs, which answer many of the questions that would otherwise be asked of Clerk's Office employees (e.g., as to filing and procedural requirements); a warning as to confidential information and waivers; guidance as to how to request appointment of counsel; and information for state court litigants who reached the site erroneously.

The **United States District Court for the District of New Hampshire** has a "Pro Se Civil Litigation/Habeas Corpus Guide" to assist pro se parties litigating a civil case.⁴ As a qualifier, the

¹ United States District Court for the District of Maine, Self-Representation Forms, <https://www.med.uscourts.gov/self-representation-forms> (last visited January 2, 2024).

² United States District Court for the District of Massachusetts, Representing Yourself, <https://www.mad.uscourts.gov/general/prose-litigants.htm> (last visited January 2, 2024).

³ See, e.g., United States District Court for the District of Massachusetts, Step by Step: A Simple Guide to Filing a Civil Action (October 2022), <https://www.mad.uscourts.gov/resources/pdf/StepByStepEnglish.pdf> (last visited May 1, 2024).

⁴ United States District Court, for the District of New Hampshire, Pro Se Civil Litigations/Habeas Corpus Guide (December 2022), <https://www.nhd.uscourts.gov/sites/default/files/pdf/Pro%20Se%20Guide.pdf> (last visited May 1, 2024).

guide notes that it is not intended to be comprehensive, but to be read in conjunction with the Federal and Local Rules and the Administrative Procedures of the Court, and that it provides an overview of the progression of a case, court procedures and litigant responsibilities. In a section of the court website titled "Filing without an Attorney," litigants can access information about fees, electronic filing, transcripts and copies of documents. The District has also created fillable pdf forms for ease of litigant use and provides links for the local and federal forms. The site also provides information on "Alternatives to Filing Pro Se" that include guidance on contingent fee arrangements and contact information for legal assistance programs in the state, as well as a link to resources for those struggling with mental health and homelessness.

The **United States District Court for the District of Puerto Rico** has extensive resources in both Spanish and English for litigants proceeding without an attorney, including a pro se litigant guidebook available in both languages, a section of the webpage for those "Filing Without an Attorney" includes forms and instructions in English and Spanish, guidance on protecting private information in electronic court records, and links to federal code.⁵ The forms, primarily created locally, provide guidance to the bilingual population served by the District Court.⁶ The District of Puerto Rico is unique in that it provides information specifically for incarcerated litigants: a guide to the PLRA and 42 U.S.C. §1983 and forms for prisoners to use for filing a Bivens action, an action under 42 U.S.C. §1983, a petition for habeas corpus, or a motion to vacate under 28 U.S.C. § 2255. The "Filing without an attorney" section also provides information on accessing the district's pro bono program.

The **United States District Court for the District of Rhode Island** groups information of particular interest and utility to pro se litigants together on its website. Unlike the other districts, the District of Rhode Island doesn't appear to have a handbook for pro se litigants, but its website provides links to substantive information, including details service, fees, requests to proceed in forma pauperis (IFP), and electronic filing.⁷ The District also has a locally prepared flow chart to track the process of a civil case, for a visual representation for pro se litigants to follow.⁸

⁵ United States District Court for the District of Puerto Rico, Pro Se Forms (January 2024), <https://www.prd.uscourts.gov/pro-se-forms> (last visited May 1, 2024).

⁶ In the District of Puerto Rico, according to census data, 76.6% of the population five years and older speak English "less than 'very well.'" United States Census Bureau Data, 2019: ACS 5-Year Estimates Data Profiles, Selected Social Characteristics in Puerto Rico, <https://data.census.gov/cedsci/table?tid=ACSDP5Y2019.DP02PR&g=0400000US72> (last visited January 2, 2024).

⁷ United States District Court for the District of Rhode Island, Representing Yourself, <https://www.rid.uscourts.gov/representing-yourself> (last visited April 22, 2024).

⁸ United States District Court for the District of Rhode Island, Civil Case Flow Chart, <https://www.rid.uscourts.gov/sites/rid/files/documents/USDCFlowChart.pdf> (last visited April 22, 2024).