



**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

PRO BONO PROGRAM PROCEDURES

OVERVIEW

The U.S. District Court appoints attorneys and law firms enrolled in the Pro Bono Program to represent pro se parties in civil cases who demonstrate financial need and the need for legal counsel. Pro bono appointments are made only after a pro se party files a case. An appointment may be made after a pro se party files a Motion for Appointment of Pro Bono Counsel, or upon the Court's own motion. In assessing a pro se party's need for legal counsel, the Court may weigh, among other factors, the legal complexity of the issues, the apparent legal sophistication of the pro se party, and the importance of protecting the rights implicated by the claim. Appointments may be made for all purposes or for a specific purpose.

PRO BONO PANEL MEMBERS

The Pro Bono Panel Administrator maintains a non-public database containing the names and contact information of attorneys and law firms who have volunteered to participate in the program.

Attorneys and law firms can volunteer to participate in the program by completing and submitting the Application to Participate in the Pro Bono Program form. This application form is included in the General Attorney Admissions packet and is also available on the Court's website.

LAW FIRM APPOINTMENTS

Each participating law firm has designated a contact attorney who will be appointed initially as conditional counsel of record for each case to which the law firm is appointed. The contact attorney is to review the appointment documentation to determine if a conflict of interest exists. If no conflict of interest exists, the Court expects the contact attorney to:

1. file the Pro Bono Appointment Response Form ("Response Form") on behalf of the firm; and
2. if appropriate, file a Notice of Substitution of Counsel designating another firm member as counsel of record for the appointed case.*

*The Court does not intend the contact attorney for participating law firms to personally accept each case assigned to the firm.

To discontinue participation in the program, attorneys and law firms must send a request for removal to the Panel Administrator by e-mail at probono@ord.uscourts.gov.

TYPES OF APPOINTMENTS

A judge may appoint pro bono counsel in civil actions for the following purposes:

- All Purpose Appointment; or
- Specific Purpose Appointment.

A Specific Purpose Appointment is when a judge appoints an attorney or law firm for the completion of a specific task. Common uses for this type of appointment include:

- drafting an amended complaint;
- preparing for and/or appearing at a mediation, settlement conference, deposition, or trial; and
- responding to a motion to dismiss or a motion for summary judgment.

APPOINTMENT PROCEDURES

At a judge's direction:

1. Court staff is to submit a Request for Appointment of Pro Bono Counsel using the intranet Request Form.
2. Upon receipt of the Request Form, the Panel Administrator selects an attorney or law firm for appointment and forwards the name and Oregon State Bar Number of the attorney or firm contact attorney to the requestor.

Upon receipt of the name of a pro bono attorney or law firm contact attorney for appointment from the Panel Administrator, Court staff is to:

1. docket the Order Appointing Pro Bono Counsel and attach the appropriate forms pursuant to the appointment type:
 - Pro Bono Appointment Response Form
(All Purpose & Specific Purpose Appointments, automatically created and attached when using the CM/ECF form event.)
 - Notice of Completion of Pro Bono Appointment
(Specific Purpose Appointments only, automatically created and attached when using the CM/ECF form event.)
 - Guide for Representing Prisoners
(All Purpose & Specific Purpose Appointments; however, only in cases where the pro se litigant is incarcerated. This form must be manually added as PDF attachment to the form Order in CM/ECF.); and
2. mail a paper copy of the Order Appointing Pro Bono Counsel to the pro se litigant.

Docketing the order sets a public PROBONO case flag and adds the appointed attorney or law firm contact attorney to the docket as conditional counsel of record. This allows panel volunteers to access case documents electronically and receive Notices of Electronic Filing (NEFs) for docket entries made during the fourteen-day appointment review period.

PRO BONO APPOINTMENT RESPONSE FORM

Understanding and responding to the Response Form is critical to the success of the program, the accuracy of case records, and the quality of service case participants receive. The Court expects the appointed attorney/law firm to file the Response Form within **14 days** of the filing date of the Order Appointing Pro Bono Counsel.

The Response Form offers four options:

- Representation of [litigant's name] for [enter type of appointment (*i.e.*, "the purpose of drafting an amended complaint" or "All Purposes")] is accepted. If appropriate, a Substitution of Counsel will be filed to designate the responsible attorney continuing as counsel of record.
- Termination of this appointment is requested based on the following conflict of interest:
- No conflict of interest exists. However, termination of this appointment is requested for the following reason(s):
- I request a 14-day extension of time to review this case and respond to the Order Appointing Pro Bono Counsel.

If an appointed attorney/law firm fails to file the Response Form within 14 days of the date of the Order Appointing Pro Bono Counsel, regardless of the type of appointment, the Courtroom Deputy is to:

1. notify the presiding judge that the form has not been timely filed by counsel; and
2. contact counsel and instruct them to file the response form immediately.

Specific Purpose Appointments

Within 14 days of the Order Appointing Pro Bono Counsel, the Court expects attorneys appointed for a Specific Purpose to:

1. determine if a conflict of interest exists or request removal from the case for a specific reason other than a conflict*; and
2. electronically file the Pro Bono Appointment Response Form accepting or declining the appointment.

After completion of the task(s) specified in the Order Appointing Pro Bono Counsel, the attorney/law firm appointed for a Specific Purpose Appointment is to electronically file the Notice of Completion of Pro Bono Appointment.

*** The Court expects representation to be accepted if a conflict of interest does not exist and the pro se litigant has a factual and legal basis to prevail on any claim or defense.**

All Purpose Appointments

Within 14 days of the Order Appointing Pro Bono Counsel, the Court expects an attorney/law firm appointed for an All Purpose Appointment to:

1. determine if a conflict of interest exists or request removal from the case for a specific reason other than a conflict;* and
2. electronically file the Pro Bono Appointment Response Form accepting or declining the appointment or requesting a 14-day extension to respond.

*** The Court expects representation to be accepted if a conflict of interest does not exist and the pro se litigant has a factual and legal basis to prevail on any claim or defense.**

MOTIONS

If an appointed attorney/law firm needs more than 14 days to file the Pro Bono Appointment Response Form, or additional time to complete the tasks associated with a Specific Purpose Appointment, the attorney/law firm is to file the Response Form with the 14-day extension box checked or file a Motion for Extension of Time.

If an appointed attorney/law firm accepts representation and incurs costs that are not recoverable from the opposing party (*e.g.*, copy costs, transcript costs, travel expenses, telephone charges, etc.), a Motion for Reimbursement of Out-of-Pocket Expenses may be filed. The maximum amount for reimbursement of out-of-pocket expenses is \$10,000.00 per case. When an Order Granting Motion for Out-of-Pocket expenses is issued, an electronic copy is automatically sent to the Attorney Admissions Fund group for initiation of the reimbursement.

Certain expenses need advance approval for reimbursement (lodging, per diem, expert witnesses). If an appointed attorney/law firm intends on filing a Motion for Reimbursement of Out-of-Pocket Expenses for expenses requiring advanced approval, they must file a Motion for Pre-Approval of Expenses along with a projected budget and "not to exceed" stipulation.

Where a pro bono attorney prevails on an award of costs and attorney fees, the Court may order reimbursement to the Attorney Admissions Fund of payments made to the pro bono attorney.

PACER FEES

Upon request, the Clerk's Office may provide paper or electronic (e-mail) copies of pleadings that relate to the case or appointment of counsel, without cost, to the appointed attorney/law firm. The appointed attorney/law firm may also move the Court for exemption from PACER fees related to the pro bono appointment. Upon approval, the Court will provide a copy of the Order to the PACER Service Center. Exempt PACER account usage is audited regularly.

Any documents, docket reports, or other data obtained by the appointed attorney/law firm are not to be sold for profit, transferred, or otherwise provided to third parties.

HOURLY REPORTING REQUIREMENTS

Appointed attorneys must report the number of hours spent on pro bono cases on an annual basis using the reporting form found on the Court's website. The reporting form can be submitted at the conclusion of each pro bono appointment, or one form may be submitted for all pro bono work performed in the calendar year by the following January 15 (i.e., work performed between January 1, 2020, and December 31, 2020, must be reported by January 15, 2021). These hours are reported to both the Oregon State Bar and the Professional Liability Fund.

GUIDE FOR REPRESENTING PRISONERS

The Guide for Representing Prisoners will assist counsel appointed to prisoner civil rights cases to navigate the inmate-specific details of representation including, but not limited to:

- finding a prisoner's State Offender Identification Number or Inmate ID/Register Number;
- determining a prisoner's physical location;
- sending legal mail; and
- scheduling professional visits and telephone calls with inmates.

The Guide for Representing Prisoners will be docketed as an attachment to the Order Appointing Pro Bono Counsel in prisoner pro se cases only. The Guide for Representing Prisoners is not available on the Court's website and is only to be distributed to counsel appointed to represent a prisoner under this Pro Bono Program. If the Guide for Representing Prisoners is not attached to the Order Appointing Counsel, contact the presiding judge's Courtroom Deputy to request a copy by e-mail.

PRO BONO MENTORSHIP PROGRAM

The purpose of the mentorship component of the Court's Pro Bono Program is to assist attorneys/law firms appointed to cases outside of their normal area(s) of practice or with limited experience in federal court by pairing them with a mentor with subject matter experience or with tasks such as:

- complying with federal court procedures;
- working with prisoners; and/or
- drafting documents.

Appointed attorneys may ask the Pro Bono Program Administrator to assign a mentor attorney. The mentor attorney will not be added as co-counsel of record on the case docket sheet or be otherwise associated with the case in any way. The goal of the mentorship component is to increase the number of acceptances of pro bono appointments while simultaneously offering a unique and invaluable learning opportunity for the appointed attorney/law firm.