

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI**

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

The objective of the *Plan for the Appointment of Volunteer Counsel for Indigent Parties in Certain Civil Cases* (the Plan) is to facilitate the appointment of pro bono counsel from a roster of volunteer attorneys who have committed to being available to represent indigent pro se parties in civil cases when such appointment has been authorized by a judicial officer.

**I. Responsibilities of Pro Bono Public Service Coordinator.**

The Clerk of Court or his designee shall be the Court's Pro Bono Public Service Coordinator for this program and shall administer the Plan in the manner set forth below.

**II. Pro Bono Public Service Volunteer Panel.**

- (a) An attorney who is willing to accept appointments to represent pro se litigants in civil cases may apply for designation to the Pro Bono Volunteer Panel. An attorney may indicate on the application form preferred case types and practice areas in which the attorney specializes.
- (b) A law firm may apply for designation to the Pro Bono Volunteer Panel provided a member of the firm is identified as the primary point of contact who will coordinate appointments with members of the firm. When a case is assigned to a participating firm, the initial order of appointment may be directed to the firm. As soon as practicable, the firm attorney who will be responsible for representing the pro se party shall enter an appearance in the case.
- (c) Attorneys participating on the Panel must be members in good standing of the bar of United States District Court for the Eastern District of Missouri.

**III. Responsibilities of Participating Lawyers.**

The names of lawyers and law firms volunteering for this program shall be included on a roster which shall be maintained in an electronic format by the Clerk of Court. Each participating lawyer shall commit to assuming responsibility for one pro bono appointment per year, or as needed based on the volume of eligible civil cases.

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

- A conflict of interest as defined by the Missouri Rules of Professional Conduct precludes counsel from accepting the responsibilities of representing the party in the case.

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

#### **IV. Designation of Cases for Pro Bono Representation and Selection of Counsel.**

- A. Whenever a judicial officer issues an order to appoint counsel for an unrepresented indigent party in a civil case, the order shall be transmitted forthwith to the Clerk of Court who will circulate the order via email to attorneys on the Pro Bono Public Service Volunteer Panel. The electronic message will provide the case number, names of parties, and brief description of the facts and status of the case. An attorney available to accept appointment in the described case shall contact the Clerk of Court as soon as possible. In the event no member of the panel responds within a reasonable period of time, the judicial officer may direct the Clerk to make a random selection from the roster of volunteer attorneys.
- B. If an appointment is declined in accordance with Section III, the Clerk of Court shall tender the case to another lawyer in the manner set forth above.
- C. A judicial officer will use the volunteer panel as the primary resource for identifying counsel for appointment in an eligible civil case, but every member of the bar of the Eastern District of Missouri is obligated to accept appointments and a judge may designate, as appropriate, any attorney who is a member in good standing.

#### **V. Notification of Appointment and Entry of Appearance.**

When an attorney has communicated his/her agreement to an appointment in a case, an order appointing counsel shall be entered in the record of the case. An entry of appearance in the record of the case should be made by counsel as soon as practicable. Counsel may request assistance from the Clerk's office to obtain copies of pleadings or exhibits not available in the electronic file. The Clerk will also assist counsel in obtaining contact information for the client.

#### **VI. Scope and Duration of Representation.**

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

If the party desires to take an appeal from a final judgment, appointed counsel must assist the party in filing a notice of appeal. Counsel will not be required by the district court to handle the entire appeal, unless appointed counsel agrees to do so.

**VII. Fees, Expenses, and Compensation for Services.**

Limited compensation and/or expense reimbursement may be available, either as a prevailing party where allowed by law, or under Local Rule 12.06(D) and the Court's *Regulations Governing Reimbursement from the District Court Non-Appropriated Fund*.