UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

IN RE: Amended Plan for the Representation of Pro Se Litigants in Civil Rights Actions	GENERAL ORDER 10 - 05

Effective August 1, 2010, the court adopts the Amended Plan of the United States District Court for the Western District of Washington for the Representation of Pro Se Litigants in Civil Rights Actions, as reflected by the attachment to this order.

DATED this 12th day of August, 2010.

HONORABLE ROBERT S. LASNIK
CHIEF UNITED STATES DISTRICT JUDGE

PLAN OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE REPRESENTATION OF *PRO SE* LITIGANTS IN CIVIL RIGHTS ACTIONS (AS AMENDED, EFFECTIVE AUGUST 1, 2010)

The United States District Court for the Western District of Washington adopts the following amended plan ("Plan") for furnishing representation to *pro se* litigants in civil rights actions where the Court exercises its discretion to provide such representation. *See* 42 U.S.C. § 2000e, *et seq.* and 28 U.S.C. § 1915. This Plan shall govern (i) the appointment of attorneys from the Western District Pro Bono Panel ("Panel") to represent *pro se* litigants in civil rights actions, and (ii) the appointment of attorneys from the CR 39.1 register of neutrals to serve as neutrals in cases where counsel has been appointed to provide limited representation for the limited purpose of conducting an early alternative dispute resolution (ADR) procedure under CR 39.1. For each civil action duly commenced in the Western District by such a litigant, the Judge to whom the action is assigned may issue an order of appointment and other orders relating to representation by the appointed attorney in accordance with this Plan and the accompanying Rules. For all purposes, the term Judge shall include Magistrate Judge. The Federal Bar Association of the Western District of Washington shall work in conjunction with the Court and the Clerk of the Court, who may act through a designated Pro Bono Coordinator, to administer this Plan.

Section 1. Pro Bono Panel

(a) Individual Application. Attorneys who are willing to accept appointment to represent *pro se* litigants in civil rights actions shall apply for designation to the Pro Bono Panel on appropriate forms, which are available on the website of the Federal Bar Association of the Western District of Washington (www.fba-wdwash.org) and from the Clerk of the Court. Each application shall set forth, among other things: (i) the attorney's prior civil trial experience, including the number and type of trials and areas of trial experience; (ii) the attorney's ability to consult and advise in languages other than English; (iii) the attorney's preferred practice area(s), if any, for appointment, and (iv) a statement describing any other experiences that qualify the attorney for appointment to the Pro Bono Panel.

(b) Law Firm Application. A law firm may apply as a firm for designation to the Panel by completing the appropriate form available on-line and from the Clerk of the Court. In its application, the law firm shall set forth, among other things: (i) the number of appointed cases per calendar year the firm is willing to accept; (ii) the ability of participating firm attorneys to consult and advise in languages other than English; (iii) the firm's preferred practice areas(s), if any, for appointment, and (iv) the name of the firm's managing partner or a senior member of the firm designated as the Panel Liaison. Where an action is assigned to a participating firm, the

order of appointment may be directed to the firm and the assignment of a firm attorney to the action may be made by the managing partner or the Panel Liaison.

(c) Amending/Withdrawing Information. Information on an application may be amended in writing at any time by letter to the Clerk of the Court. An attorney or firm may withdraw from the Panel at any time by written notice to the Clerk of the Court, except during appointment to an active case. No attorney will be required to handle more than one action at one time.

(d) Eligibility. An attorney must be admitted to practice in the United States District Court for the Western District of Washington to be eligible for designation as a member of the Pro Bono Panel.

Section 2. Nonprisoner Civil Rights Case Screening Committee

(a) Composition of the Screening Committee. The Nonprisoner Civil Rights Case Screening Committee shall be composed of no less than six members of the bar of this Court. The Screening Committee may be larger, however, as determined by need from time to time by the Court and/or the Federal Bar Association. An attorney who serves on the Screening Committee shall not simultaneously serve as a Panel member. Members of the Screening Committee may resign by sending written notice to the Pro Bono Committee of the Federal Bar Association. The Court or the Pro Bono Committee may also remove members from the Screening Committee at will.

(b) Selection of Screening Committee Members. Screening Committee members shall have experience in non-prisoner civil rights actions. The Chief Judge and the Federal Bar Association may consult with bar associations, not-for-profit legal aid organizations, or other groups to obtain the names of prospective Screening Committee members.

Section 3. Appointment Procedure in Nonprisoner Civil Rights Cases

(a) Application and Affidavit of *Pro Se* Party. Whenever a *pro se* litigant in a nonprisoner civil rights action files an appearance or first pleading, the Clerk of this Court shall make available to the party an information sheet and an application for the appointment of counsel.

The information sheet shall notify the *pro se* party of: (i) the possibility in any nonprisoner civil rights case, of obtaining appointed counsel to provide representation for the entire case, (ii) the possibility, in any employment nonprisoner civil rights case, of obtaining appointed counsel to provide limited representation (pursuant to Rule 1.2(c) of the Washington Rules of Professional Conduct), for the limited purpose of conducting an early ADR procedure under CR 39.1, (iii) the possibility, where counsel has been appointed to provide limited representation for the limited purpose of conducting an early ADR procedure under CR 39.1, of

obtaining appointment of a neutral ADR advisor, (iv) the steps needed to complete and file the application, (v) his or her responsibility to pay expenses to the extent reasonably feasible based on his or her financial condition, (vi) his or her responsibility to pay part or all of the attorney's fees to the extent reasonably feasible based on his or her financial condition, and (vii) the provisions of 42 U.S.C. §§ 1988 and 2000e-5(k) for the award of attorney's fees to prevailing parties in civil rights and Title VII employment discrimination actions.

Any application for the appointment of counsel by a party appearing *pro se* in a nonprisoner civil rights action shall include an affidavit/declaration stating the party's efforts to obtain counsel by means other than appointment and indicating any prior pro bono appointments of counsel to represent the party in cases brought in this Court, including both pending and previously terminated actions. A completed copy of an affidavit of financial status shall be attached to the application.

The decision to apply for appointment of counsel rests with the *pro se* party. Failure of a party to make written application for appointed counsel, however, shall not preclude appointment if the assigned Judge determines that appointment of counsel is warranted.

(b) Change of Circumstances. A *pro se* litigant in a nonprisoner civil rights action ineligible for appointed counsel at the outset of the litigation, who later becomes eligible by reason of changed circumstances, may apply for appointment of counsel, using the procedures specified in section (a) above, within a reasonable time after the change in circumstances has occurred. Likewise, if an applicant is found to be ineligible after counsel has been appointed, the *pro se* litigant may be asked to repay costs waived or paid by the court, and to retain the services of counsel through the litigant's own resources.

(c) Referral to the Screening Committee. Upon receiving an application for appointment of counsel from a *pro se* litigant in a nonprisoner civil rights action, and after having made a preliminary determination based on the face of the complaint and case records that the case is not frivolous, and the applicant's financial eligibility, the Judge to whom the case is assigned shall ask the Clerk of the Court to forward the application, copies of the pleadings and documents filed to date, and other relevant documents to the Screening Committee.

(d) Screening Committee Review. Upon receipt of an application from the Clerk of the Court, the Screening Committee shall, within a reasonable time, review the application, pleadings, and other relevant documents. The Screening Committee may in its discretion also contact and interview the nonprisoner *pro se* party. Confidential communications between the *pro se* party and the Screening Committee shall be protected from disclosure, pursuant to the attorney-client privilege and the attorney's ethical responsibilities.

Based upon its review of the case and the factors set forth in subsection (e) below, the Screening Committee shall determine whether counsel should be appointed to represent the *pro se* party. If the *pro se* litigant has not demonstrated that s/he has tried to find counsel before

applying for appointment of *pro bono* counsel, the Screening Committee may ask the *pro se* party to take specific steps to obtain private counsel before the Screening Committee determines whether counsel should be appointed.

(e) Factors to Determine Whether to Appoint Counsel. Factors the Screening Committee shall take into account in making its determination are:

(i) the inability of the *pro se* party to retain counsel by other means;

(ii) the potential merit of the claims as set forth in the pleadings;

(iii) the nature and complexity of the action, both factual and legal, including the need for factual investigation;

(iv) the presence of conflicting testimony calling for a lawyer's presentation of evidence and cross-examination;

(v) the capability of the *pro se* party to present the case;

(vi) the degree to which the interests of justice will be served by appointment of counsel, including the benefit the Court may derive from the assistance of appointed counsel;

(vii) the degree to which it appears likely that an early ADR procedure under CR 39.1 may bring about an early, inexpensive and consensual resolution of the litigation by:

(A) facilitating or improving communications between the parties,

(B) providing the parties an opportunity to be heard regarding their respective grievances, positions, concerns, goals and interests,

(C) promoting the parties' understanding of the strengths and weaknesses of their respective cases,

(D) limiting, narrowing or simplifying the issues in dispute,

(E) restoring or preserving personal or business relations,

(F) otherwise creating an atmosphere conducive to settlement,

(G) achieving settlement on terms not available through litigation, or

(H) achieving settlement of some or all issues as between some or all parties; and

(viii) any other factors deemed appropriate by the Screening Committee.

(f) Report to the Court. The Screening Committee's recommendation that counsel should or should not be appointed shall be forwarded promptly to the assigned Judge. If the Screening Committee determines that counsel should be appointed, the Committee shall specify the scope of representation which it believes is warranted (*i.e.*, representation for the entire case or limited representation for the limited purpose of conducting an early ADR procedure under CR 39.1).

(g) Order of Appointment and Notices to the Parties. When, after receiving the recommendation of the Screening Committee, the assigned Judge concludes that the appointment of counsel is warranted, the Judge shall direct the Clerk of the Court to identify an attorney(s) or law firm from the Pro Bono Panel for appointment. After the selected attorney has confirmed that s/he has no conflict of interest (*see* subsection 3(h) below), the Judge shall issue an order directing the appointment of the attorney selected by the Clerk of the Court to represent the *pro se* party. When counsel is appointed to provide limited representation for the limited purpose of conducting an early ADR procedure under CR 39.1, the order of appointment shall include a finding to the effect that, under the circumstances of the case and in the judgment of the Screening Committee and the Court, limited representation is reasonable and appears reasonably calculated to serve the interests of the parties and further the administration of justice. If the Screening Committee has not recommended the appointment of counsel and the Judge nonetheless believes that appointment is warranted, the Judge may ask the Clerk of the Court to select an attorney from the Panel to represent the *pro se* party. If the Court denies the *pro se* party's application for appointment of counsel, the assigned Judge shall issue an order so stating.

If an appointment is made, the Clerk of the Court shall immediately send written notice of the appointment to the selected attorney. A copy of the order of appointment shall accompany the notice. In addition to notifying the attorney, the Clerk shall notify all of the parties to the action of the appointment, and shall include in such notice the name, address, telephone number, fax number, and email address of the appointee. Where counsel has been appointed to provide limited representation for the limited purpose of conducting an early ADR procedure under CR 39.1, the written notice provided by the Clerk shall be entitled "Notice of Appointment and Interim Notice of Appearance" and shall include a statement that, pursuant to Rules 4.2(b) and 4.3(b) of Washington's Rules of Professional Conduct, counsel for the other parties are to communicate only with the appointed attorney, and not with the *pro se* party, as to the subject matter of the appointment. Upon receiving notice of appointment, the appointed attorney shall enter an appearance in the action. The complete case file shall be made available to the attorney by the Clerk of the Court for inspection and copying.

(h) Check for Conflicts of Interest. Before the name of an attorney(s) or law firm from the Pro Bono Panel is given to the assigned Judge for appointment, the Clerk shall forward the names of the parties in the case to the selected attorney. The selected attorney shall promptly notify the Clerk of the Court of the existence of an actual conflict of interest.

(i) Procedures Following Appointment for Limited Representation for an Early ADR Procedure Under C.R. 39.1.

(i) Upon issuance of the Clerk's Notice of Appointment and Interim Notice of Appearance under subsection (g), the provisions of CR 16(a) requiring a scheduling conference and a joint status report and the provisions of CR 16(d) requiring the entry of a scheduling order shall be suspended, unless otherwise ordered by the Court.

(ii) If a party believes that the appointment of a neutral ADR advisor would help the parties identify and tailor an ADR procedure suited to the circumstances of the case or otherwise assist the parties in the development of the plan for an early ADR procedure required by subsections (iv)-(v), a party may submit a request for appointment of an ADR advisor to the Clerk. Upon such request, the Clerk shall appoint an attorney designated as a Pro Se Pro Bono Plan ADR advisor from the CR 39.1 register of neutrals to serve as a neutral ADR advisor and shall send him or her written notice of the appointment. In addition to notifying the attorney so appointed, the Clerk shall notify all of the parties to the action of the appointment and shall include in such notice the name, address, telephone number, fax number and e-mail address of the appointee.

(iii) As soon as practicable after issuance of the Clerk's notices of appointment under subsection (h), counsel shall confer with their respective clients to review, discuss and consider the ADR procedures available under CR 39.1(3). Where an ADR advisor has been appointed, the ADR advisor shall be available to consult with and advise the parties.

(iv) As soon as practicable after issuance of the Clerk's notices of appointment under subsection (g), and in any event not later than 15 days thereafter, appointed counsel shall meet and confer with counsel for the other parties for the purpose of developing a plan for an early ADR procedure under CR 39.1. Where an ADR advisor has been appointed, the ADR advisor shall attend, unless all parties agree that attendance by the ADR advisor is not necessary. It shall be the duty of the appointed counsel to arrange for the conference. Counsel shall be prepared to discuss and shall attempt to reach agreement on:

(A) The types of ADR procedures available under CR 39.1(3) that appear most suited to the circumstances of the case;

(B) Factors that any party considers relevant to effectively tailoring an ADR procedure to the circumstances of the case, including

(1) the existence of particular or unique impediments to achieving consensual resolution,

(2) the need for limited information to inform the ADR procedure and achieve consensual resolution, and a procedure and schedule for exchanging or obtaining such information,

(3) the existence and significance of key witnesses,

(4) the assertion of claims for interim relief, injunctive relief, or specific performance,

(5) the desirable attributes and role of party representatives,

(6) a party's desire to have a non-party (e.g., spouse, family member, confidant) participate in the ADR procedure as a "trusted advisor," and

(7) the need for confidentiality or protective measures beyond the confidentiality provisions of CR 39.1(a)(6).

(C) The ADR procedure that will be used;

(D) The attorneys on the CR 39.1 register of neutrals, who appear suited to serve as a neutral or neutrals in the case; and

(E) A schedule, including interim dates, for the conduct and completion of the ADR procedure, to be completed not later than 75 days following issuance of the Clerk's notices of appointment under subsection (g).

(v) Not later than 20 days following issuance of the Clerk's Notice of Appointment and Interim Notice of Appearance under subsection (g), the parties shall submit a "Joint Pro Bono ADR Status Report." The status report shall:

(A) identify the matters enumerated in subsection (iv) upon which the parties were able to agree;

(B) identify any matters enumerated in subsection (iv) upon which the parties were unable to agree;

(C) set forth the parties' respective positions regarding any matters enumerated in subsection (iv) upon which the parties were unable to agree; and

(D) include any other relevant, nonconfidential information that any party would like the Court to know.

(vi) If the joint ADR report identifies matters enumerated in subsection (iv) upon which the parties were unable to agree, the Court shall resolve the dispute by ordering the parties to proceed in the manner the Court considers most likely to encourage and promote an early, inexpensive and consensual resolution of some or all issues as between some or all parties. The Court may take into account, but shall not be limited by, the parties' respective positions regarding the matters enumerated in subsection (iv) upon which they were unable to agree.

(vii) Unless otherwise ordered by the Court, the ADR procedure agreed by the parties or ordered by the Court shall be completed not later than 75 days following issuance of the Clerk's notices of appointment under subsection (g).

(viii) Upon completion of the ADR procedure, the appointed counsel shall provide the judge, the Clerk's office and the parties with a report stating (i) when the ADR procedure occurred and (ii) whether the case settled as to some or all issues as between some or all parties; provided, however, that if the ADR procedure was a mediation, the mediator's report required by CR 39.1(c)(6) will serve in lieu of the report required by this section.

(ix) If the ADR procedure fails to achieve resolution of all issues as between all parties, the Court may exercise its discretion to conduct a pretrial conference to hear the views of the parties as to whether the use of other ADR procedures, or the appointment of a settlement judge, would be advisable. If the Court concludes that such further proceedings are warranted, the Court shall so order, and shall establish a schedule for same.

(x) Unless the Court orders otherwise, the limited representation for the limited purpose of conducting an early ADR procedure under CR 39.1 shall be deemed complete upon submission of the report required by subsection (viii), or, in the event proceedings are conducted under subsection (ix), upon the completion of such proceedings. It shall be the responsibility of the appointed attorney to present the Court with an order finding that such representation has been completed and terminating the representation.

(xi) Upon entry of an order terminating the limited representation for the limited purpose of conducting an early ADR procedure under CR 39.1, the provisions of CR 16(a) requiring a scheduling conference and a joint status report and the provisions of CR 16(d) requiring the entry of a scheduling order, suspended

under subsection (i) pending completion of such early ADR procedure, shall again become applicable.

(j) Record of Attorney Appointments. The Clerk shall maintain a record of all appointments.

Section 4. Appointment Procedure in Prisoner Civil Rights Cases

(a) Pro Se Prisoner Party. A civil rights action duly commenced by a *pro se* prisoner litigant will be assigned to a Judge in the same manner as any other civil action.

(b) Order of Appointment. Whenever the assigned Judge concludes that appointment of counsel is warranted pursuant to 28 U.S.C. § 1915, the Judge shall direct the Clerk of the Court to identify an attorney(s) or law firm from the Pro Bono Panel to represent the litigant. If deemed desirable, the Judge may direct appointment of a specific attorney on the Panel or an attorney not on the Panel who is especially qualified by interest or otherwise to undertake the representation. After the selected attorney has confirmed that s/he has no conflict of interest (*see* subsection 4(c) below), the Judge shall issue an order directing the appointment of the attorney or law firm selected to represent the *pro se* prisoner litigant.

The Clerk of the Court shall immediately send written notice of the appointment to the selected attorney or law firm. A copy of the order of appointment shall accompany the notice. In addition to notifying the attorney, the Clerk shall notify all of the parties to the action of the appointment, and shall include the name, address, telephone number, fax number, and email address of the appointee. Upon receiving notice of appointment, the appointed attorney shall enter an appearance in the action. The complete case file shall be made available to the attorney by the Clerk of the Court for inspection and copying.

(c) Check for Conflicts of Interest. Before the name of an attorney(s) or law firm is given to the assigned Judge for appointment, the Clerk shall forward the names of the parties in the case to the selected attorney. The selected attorney shall promptly notify the Clerk of the Court of the existence of an actual conflict of interest.

(d) Record of Attorney Appointments. The Clerk shall maintain a record of all appointments. Before assigning an attorney to represent a *pro se* prisoner litigant, the Clerk shall determine whether the litigant has any other case pending before the Court and whether an attorney has been appointed in such case. Whenever an appointed attorney is already representing the litigant in another action, such attorney is encouraged but not required to represent the litigant in the new action. The Clerk shall inquire of the appointed attorney whether he or she will accept appointment in the new action. If the appointed attorney declines, the Clerk shall appoint an attorney, at random, in accordance with this Plan.

Section 5. Expenses

(a) The appointed attorney or the firm with which the attorney is affiliated shall seek reimbursement from the *pro se* litigant for the costs incurred in litigating the action to the extent the litigant is able to bear such costs. If the litigant is unable to do so, the appointed attorney or the firm with which the attorney is affiliated may apply for reimbursement of reasonable expenses to the Western District Court Civil Rights Litigation Fund as specified below. If reimbursement is not available from the *pro se* litigant or the Litigation Fund, the appointed attorney or the firm with which the attorney is affiliated may be required to bear the costs of the litigation (e.g., discovery expenses, subpoena fees, or transcript expenses).

(b) If the litigant is unable to bear the costs of the litigation, the attorney may apply for reimbursement of reasonable expenses to the Western District Court Civil Rights Litigation Fund formed to provide monies to defray costs for this purpose, as follows:

(i) LIMITATIONS ON EXPENSE AMOUNTS.

(A) Pre-trial Expenses. Pre-trial expenses are those expenses and costs incurred through the dispositive motion deadline set by the court in the case schedule. The Judge or Magistrate Judge to whom the case is assigned is authorized to approve prepayments or reimbursements totaling up to $2,500 for pre-trial expenses. Upon motion, additional pre-trial costs may be approved.

(B) Trial Related Expenses. For expenses and costs incurred after the dispositive motion deadline through the end of trial to judgment in the case, the Judge or Magistrate Judge to whom the case is assigned is authorized to approve prepayments or reimbursements totaling an additional amount up to $2,500. Upon motion, additional trial costs may be approved.

(C) Reimbursement Limits Where Case Settles. If a party settles for up to $12,000, no reimbursement of expenses shall be paid to the District Court Fund. If a party settles or obtains a judgment between $12,000 and $20,000, reimbursement to the District Court Fund shall be required at a rate of 50 cents for each dollar in expenses received by the party. If a party settles for over $20,000, full reimbursement of expenses paid to the party shall be required.

(D) Amounts to be Reimbursed From Cost Award. Where a party prevails and a cost award is made by a Judge or Magistrate Judge to an appointed attorney, the attorney awarded such costs shall upon receipt of the

monies promptly repay the District Court Fund all amounts paid to the party under these regulations.

(ii) EXPENSES AND COSTS NOT COVERED.

(A) Overhead. General office expenses are not reimbursable from the District Court Fund. These include personnel costs, rent, telephone services, secretarial help, word processing, office photocopying equipment, and any general expense that would normally be reflected in the fee charged to a client.

(B) Costs Award Against a Party. Under no circumstances shall any payments be authorized from the District Court Fund to pay for costs or fees taxed as part of a judgment obtained by an adverse party against a party for whom counsel was appointed pursuant to the rules of this Court.

(C) Personal Costs. The costs of items or services of a personal nature purchased for or on behalf of the person represented are not reimbursable. These include purchasing new clothing or having clothing cleaned, getting a haircut, furnishing personal sundries and providing services of a personal nature that cannot be considered legal representation.

(iii) EXPENSES AND COSTS COVERED.

(A) CJA Limits Apply in the Absence of a Specific Limit. Except as specified in these regulations, the amounts and types of expenses covered shall be governed by the guidelines for administering the Criminal Justice Act ("CJA") [18 U.S.C. §3006A]. Guidelines for the administration of the CJA are found in Volume VII of the Guide to Judiciary Policies and Procedures at Section A, Chapter 2 [Appointment and Payment of Counsel] and Chapter 3 [Authorization and Payment for Investigative, Expert or Other Services].

(B) Deposition and Transcript Costs. Costs of transcripts or depositions shall not exceed the regular rate established by the Judicial Conference of the United States in effect at the time the transcript was prepared or the deposition taken. Only the cost of the original of any transcript or deposition taken together with the cost of one copy each shall be allowed. Variations on the rate (such as expedited or real-time transcripts) or number of copies will be subject to reimbursement only upon specific prior approval of the Court.

(C) Costs of Investigative, Expert, Computer-Assisted Research or Other Services. Appointed counsel may obtain investigative, expert, paralegal, computer-assisted legal research or other services necessary for the adequate preparation of the case. Without prior authorization from the Court, the cost of compensation paid to a person for such services may not exceed $1,000. Should additional amounts be needed, counsel may request them in an ex parte application to the Court. Such a request may be filed under seal if counsel determines that sealing is necessary to protect confidential litigation strategy.

(D) Travel Expenses. Travel by privately owned automobile may be claimed at the rate currently prescribed for federal judiciary employees who use a private automobile for conduct of official business, plus parking fees, tolls, and similar expenses. Transportation other than by privately owned automobile may be claimed on an actual expense basis. Per Diem in lieu of subsistence is not allowable; only actual expenses may be reimbursed. Actual expenses reasonably incurred shall be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations.

(E) Service of Papers; Witness Fees. Those fees for service of papers and the appearances of witnesses that are not otherwise avoided, waived or recoverable may be reimbursed from the District Court Fund.

(F) Interpreter Services. Costs of interpreter services not otherwise avoided, waived, or recoverable may be reimbursed from the District Court Fund.

(G) Photocopies, Photographs, Long Distance and Toll Calls. Actual, out-of-pocket expenses incurred for items such as outside photocopying services, photographs, long distance telephone calls, toll calls, and telegrams necessary for the preparation of a case may be prepaid or reimbursed from the District Court Fund.

(H) Postage. Reimbursement may be made for the actual cost of case-related U.S. postage. There will be no reimbursement for expedited delivery costs.

(I) Other Expenses. Expenses other than those described above may be approved by the Judge to whom the case is assigned. No single expense under this section exceeding $150 shall be reimbursed unless approval was obtained from the Judge prior to the expenditure. When requesting reimbursement for any expense under this section, a detailed description

of the expense should be attached to the request for reimbursement filed with the Judge.

(iv) PROCEDURES FOR OBTAINING PREPAYMENTS OR REIMBURSEMENTS.

(A) Request for Authority to Incur Expense. For those expenses where authority to incur is required prior to incurring them, the request for authority to incur the expense shall be made by ex parte motion filed with the Judge to whom the case is assigned. The ex parte motion shall set forth briefly the reason for the request and the estimated amount of the expense.

(B) Request for Prepayment or Reimbursement of Expenses. Any request for the prepayment or reimbursement of expenses shall be on the reimbursement voucher approved by the District Court and available on request from the Clerk. The request shall be accompanied by sufficient documentation to permit the Court to determine that the request is appropriate and reasonable and, where the request is for reimbursement, that the amounts have actually been paid out. The request shall be filed with the Clerk, who shall review the voucher to verify that it complies with these regulations, and then forward it to the Judge or Magistrate Judge to whom motions in the case are assigned. Upon approval by the Judge or Magistrate Judge, the Clerk shall promptly pay the voucher to the extent that sufficient funds are available. Requests may be made at any time during the pendency of the proceedings and up to thirty days following the entry of judgment in the proceedings. The assigned Judge or Magistrate Judge may, for good cause shown, extend the time for filing a request.

(C) Requests for Reimbursement by Attorney No Longer Representing a Party. Where an attorney appointed under this Court's Pro Bono Panel Plan and Rules is permitted to withdraw from representing the party in a proceeding and the attorney has incurred expenses which may be reimbursable under these regulations, he or she shall file a request for reimbursement within ninety days of the date of the entry of the order allowing the withdrawal. Except for good cause shown, the Court will not allow reimbursement of expenses where the request was filed more than ninety days after the entry of the order of withdrawal.

(D) Requests May Be Made Ex Parte. Any request made under these regulations may be made ex parte.

(E) Action by Assigned Judge and/or Chief Judge. The assigned Judge or Magistrate Judge or the Chief Judge may refuse to permit prepayment or disallow reimbursement of any expense based upon the absence of documentation that such expense is appropriate or reasonable or, where reimbursement is requested, was actually incurred.

Section 6. Compensation for Services

(a) If the action is one for which compensation for legal services may become available to the appointed attorney by statute, the Clerk of the Court shall provide a written notice informing the *pro se* litigant at the time the order of appointment is issued. Such notice shall also inform the party that any statutory fee award may be made only by the Judge at the conclusion of the case.

(b) Upon appropriate application by the appointed attorney, the Judge may grant attorney's fees to the appointed attorney for services rendered in the action, as authorized by applicable statute, regulation, rules, or other provisions of law, and as the Judge deems just and proper. In deciding whether to award attorney's fees, the Judge shall consider the relevant statutes and prevailing legal standards.

(c) If, after appointment, the appointed attorney discovers the party is able to pay for legal services, the attorney shall bring this information to the attention of the assigned Judge. The Judge may thereupon (i) approve a fee arrangement between the party and the attorney, or (ii) relieve the attorney from the responsibilities of the order of appointment and permit the party to retain another attorney or to proceed *pro se*.

(d) All costs advanced by the Western District Court Civil Rights Litigation Fund shall be repaid to the Fund if later awarded by the Court to a prevailing *pro se* plaintiff.

Section 7. Educational Panels and Pilot Projects

(a) Educational panels of attorneys and others experienced in the preparation and trial of civil rights actions involving *pro se* litigants may be created to assist Panel members.

(i) The panels are authorized to conduct educational programs for attorneys on the Pro Bono Panel to train and assist said attorneys in the preparation and trial of civil rights actions involving *pro se* litigants and in ADR procedures available under CR 39.1(3).

(ii) The Clerk is authorized to maintain a list of attorneys experienced in the preparation and trial of civil rights actions involving *pro se* litigants, whether or not such attorneys serve on an educational panel. Such attorneys may be consulted by attorneys on the Pro Bono Panel as necessary and appropriate.

(iii) Each attorney appointed to a civil rights *pro se* litigant case shall receive a copy of materials prepared for training purposes.

(b) Pilot projects may be developed that augment and enhance the Plan for the purpose of assisting *pro se* litigants. If approved by the Court, the Plan may be amended to incorporate any successful pilot project.

Section 8. Rules and Regulations

The United States District Court for the Western District of Washington shall adopt rules and regulations in accordance with this Plan and reserves the right to amend such rules from time to time as the Court deems appropriate.