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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 07-23

Effective January 1, 2024, 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.

IT IS SO ORDERED.

Dated this 8th day of September, 2023.



David G. Estudillo
Chief United States District Judge

THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON'S PLAN
FOR *PRO SE* LITIGANT REPRESENTATION IN
CIVIL RIGHTS ACTIONS
(AS AMENDED, EFFECTIVE JANUARY 1, 2024)

The United States District Court for the Western District of Washington adopts the following amended plan (“Plan”) for representing *pro se* litigants in civil rights actions where the Court orders such representation. *See* 42 U.S.C. § 2000e, et seq. and 28 U.S.C. § 1915. This Plan shall govern the appointment of attorneys from the Western District Pro Bono Panel (“Panel”) to represent *pro se* litigants.

For civil actions commenced in the Western District by a *pro se* litigant, the Judge may issue an order of appointment and other orders relating to representation by the appointed attorney in accordance with this Plan. For all purposes, the term “Judge” shall include Magistrate Judge. The Pro Bono Committee of the Western District of Washington shall work in conjunction with the Court and the Pro Bono Coordinator to administer this Plan. For all purposes, the term Pro Bono Coordinator also includes any Court designee made by the Clerk of the District Court to support the Pro Bono Program should the Coordinator be unavailable.

Preamble

Pursuant to Washington State’s Rule of Professional Conduct (RPC) 6.1, attorneys have a professional responsibility to provide legal services to low-income people and are encouraged to volunteer at least 30 hours annually. An attorney who fulfills this commitment by volunteering through the Western District of Washington’s Pro Bono Program must handle their case with the same care and competence as any billable matter. Volunteer attorneys must have the appropriate legal knowledge, skill, thoroughness, and preparation reasonably necessary to offer representation, or seek the necessary co-counsel or mentorship to do so.

To ensure compliance with RPC 1.1’s duty of competence, attorneys should complete substantive and cultural competency trainings. Volunteer attorneys should also consider obtaining a case mentor, supervisor, partnering attorney, or team to best serve their pro bono client. Under RPC 1.3 and RPC 1.4, attorneys must communicate with their pro bono clients regularly and actively work on their cases. The Western District of Washington Court cannot offer attorneys legal advice regarding how to manage pro bono cases. Volunteer attorneys should thus research and review all pertinent rules and contact the Pro Bono Committee with any questions or challenges as they arise.

Pro bono service is greatly valued considering the tremendous need for legal services. We hope your pro bono role will offer you a unique opportunity to gain experience in civil litigation in federal court while providing a crucial community service.

Section 1. Pro Bono Panel

(a) Individual Application. Attorneys who are willing to accept appointment to represent *pro se* litigants in civil rights actions must apply for designation to the Pro Bono Panel on the appropriate forms, which are available on the Court's website (www.wawd.uscourts.gov/attorneys/pro-bono-panel) and from the Pro Bono Coordinator. 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; (iv) the attorney's interest in serving as a mentor or as co-counsel on cases, or the attorney's interest in having mentorship or co-counsel if they take a case; (v) common conflicts of interest (positional, technical, or direct); and (vi) a statement describing any other experience that would qualify the attorney for appointment to the Pro Bono Panel. Applicants shall also confirm their commitment to work on at least one case assigned through the Panel each year.

(b) Law Firm Application. A law firm may apply as a firm for designation to the Pro Bono Panel by submitting an application, which is available on the Court's website (www.wawd.uscourts.gov/attorneys/pro-bono-panel). In its application, the law firm must indicate the following: (i) the ability of participating firm attorneys to consult and advise in languages other than English; (ii) the firm's preferred practice areas(s), if any, for appointment; (iii) the minimum number of cases the firm can take per year; (iv) common conflicts of interest (positional, technical, or direct); and (v) the name of the firm's designated Panel Liaison, who must be an eligible individual under Section (d).

(c) Amending/Withdrawing Information. Information on an application may be amended in writing at any time by email or letter to the Pro Bono Coordinator or Chair(s) of the Pro Bono Committee. Panel members must notify the Pro Bono Coordinator if their contact information changes at any time. An attorney or firm may withdraw from the Panel at any time by written notice to the Pro Bono Coordinator except during appointment to an active case.

(d) Eligibility and Seeking Co-Counsel or a Mentor. 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. Attorneys admitted to the Panel may seek a mentor or co-counsel from the Panel by contacting the Pro Bono Coordinator or Pro Bono Committee Chair(s).

(e) Pro Bono Mentorship Program. The purpose of the mentorship component of the Court's Pro Bono Program is to assist attorneys and 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 people who are incarcerated; and/or drafting documents. Appointed attorneys may ask the Pro Bono Coordinator to assist in finding a mentor attorney at which time the Pro Bono Committee Chair(s) will attempt to locate a mentor. 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 unless the mentor attorney agrees to do so. 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 or law firm.

Section 2. Civil Rights Case Screening Committee for Non-Incarcerated Litigant Cases

(a) Composition of the Screening Committee. The Civil Rights Case Screening Committee for Non-Incarcerated Litigant Cases 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 Pro Bono Committee Chair(s). 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 Chair(s). 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 civil rights actions. The Chief Judge and the Pro Bono Committee may consult with bar associations, not-for-profit legal aid organizations, or other groups to obtain the names of prospective Screening Committee members. The Pro Bono Committee shall contact such prospective members, interview them, and determine whether to offer them a spot on the Committee.

(c) Referral to the Screening Committee or Pro Bono Panel. Upon receiving a motion for appointment of counsel from a *pro se* litigant in a civil rights action not involving an incarcerated person, the Judge may order the Pro Bono Coordinator to forward the motion, copies of the pleadings and documents filed to date, and other relevant documents to the Screening Committee for further review to determine if pro bono counsel is warranted. If the case has an associated Equal Employment Opportunity Commission and/or Washington State Human Rights Commission file, but the *pro se* litigant has not yet provided it to the Court, the Pro Bono Committee Chair(s) shall request the file from the *pro se* litigant or work with the *pro se* litigant to provide it to the Screening Committee.

(d) Screening Committee Review. Upon receipt of a referral from the Pro Bono Coordinator, the Screening Committee shall, within 14 days or another agreed deadline, review the motion, pleadings, and other relevant documents, including any information based upon pertinent fact gathering as part of the recommendation submitted to the Judge. 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* litigant. The Judge may extend the Screening Committee review period as needed.

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

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

- (ii) the potential merit or lack of validity of any 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* litigant 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, including, for example, maintaining contact with the *pro se* litigant, ensuring efficient proceedings, and vetting and restating the *pro se* litigant's claims if needed;
- (vii) the degree to which an early ADR procedure under CR 39.1 may bring about an early, inexpensive, and consensual resolution of the litigation or part of it 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;
 - (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 shall be forwarded within 14 days or within an agreed deadline to the Judge. If the Screening Committee determines that counsel should be appointed, the Committee shall specify the scope of representation it believes is warranted. This could include, but is not limited to, limited representation only for the purpose of investigating the merits of the *pro se* litigant's claims;

representation for the entire case to proceed to litigation; limited representation for the sole purpose of conducting an early ADR procedure under CR 39.1 (described more fully in Section 4(b)); or representation in both litigation and early ADR procedures of all or some of the claims. The Screening Committee may also offer recommendations for conditions or limits on the scope of pro bono representation for each case in their discretion.

Section 3. Appointment Procedure in Civil Rights Cases

(a) Resources for *Pro Se* Litigants. The Pro Bono Coordinator shall make available to all *pro se* litigants in a civil rights action information and a template motion for the appointment of counsel on the Court's public website via the "Representing Yourself" tab. The website shall notify the *pro se* litigant of: (i) the right to seek pro bono counsel for civil rights cases; (ii) the right to seek pro bono mediation; (iii) any relevant court-related legal clinics; (iv) the Federal Rules of Civil Procedure; (v) the Western District of Washington Local Rules; and (vi) any templates or forms for *pro se* litigants.

(b) Motion and Declaration of *Pro Se* Litigant. Any motion for the appointment of counsel by a party appearing *pro se* in a civil rights action shall include a declaration stating the party's efforts to obtain counsel by means other than appointment, including having connected with at least two other attorneys without securing representation, and identifying any prior pro bono appointments of counsel to represent the party in cases brought in this Court, including both pending and previously terminated actions. The declaration should further state whether the *pro se* litigant has already pursued another action, such as a wage claim or agency claim, before proceeding with their federal action. A completed copy of a declaration stating the movant cannot afford to hire an attorney shall be attached to the motion.

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

(c) Change of Circumstances. A *pro se* litigant in a 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 (b) above. Likewise, if an applicant is found to be ineligible after counsel has been appointed, the *pro se* litigant may be asked to retain the services of counsel through the litigant's own resources.

(d) Order of Appointment and Notices to the Parties. When the Judge concludes that the appointment of counsel is warranted, the Judge shall direct the Pro Bono Coordinator to identify an attorney(s) or law firm from the Pro Bono Panel for appointment. The Judge may direct appointment of an especially qualified attorney not on the Panel if the attorney consents.

The Pro Bono Coordinator or Pro Bono Committee Chair(s) shall identify a qualified Panel attorney and advise them they have been selected for appointment. This informal notice shall state the Panel member has seven days to decline the appointment for a conflict of interest or good cause only. If the appointment is declined by the Panel attorney, the Judge shall review

the attorney's decision, decide whether good cause to decline appointment exists, and may order additional attempts at appointment or provide other appointment instructions. If the Judge determines no good cause exists, and the Panel attorney still declines the appointment, the Panel attorney may be asked to resign from the Panel, but in no event shall the Panel attorney be ordered to accept the representation against their will. Panel attorneys who decline appointments (other than for a conflict of interest) three times in a row may be asked to resign from the Panel.

If no response declining the selection for appointment is received from the Panel attorney, the Pro Bono Coordinator will provide the name of the appointed attorney to the Judge. The Judge has discretion to contact the attorney directly, or may enter an order directing appointment of the attorney selected by the Pro Bono Coordinator to represent the *pro se* litigant into CM/ECF and ensure all parties to the action are informed of the appointment, including the name, address, telephone number, and email address of the appointee. This Order will add the appointed attorney or law firm panel liaison to the docket as counsel of record, allowing the appointed attorney to access case documents electronically and receive Notices of Electronic Filing (NEFs) for docket entries. Within a seven-day-period, the appointed attorney must make their Notice of Appearance or file a Motion to Withdraw per Section 9(a) of the Plan. If one of these actions is not made within 7 days of appointment, an Order to Show Cause will be issued.

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

(e) Record of Attorney Appointments. The Pro Bono Coordinator shall maintain a record of all appointments.

Section 4. Procedures Following Appointment for Limited Representation

(a) When counsel is appointed to provide limited representation for any limited purpose, 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/or the Court, limited representation is reasonable and appears reasonably calculated to serve the interests of the parties and further the administration of justice. The order for a limited representation appointment shall be entitled "Order 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* litigant, as to the subject matter of the appointment.

(b) Procedures Following Appointment for Limited Representation for the Purpose of Conducting Early ADR Under CR 39.1

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

- (ii) If the parties are unable to agree on the form of ADR to utilize, 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.
- (iii) Unless otherwise ordered by the Court, the ADR procedure agreed by the parties or ordered by the Court shall be completed not later than 70 days following issuance of the Court's Order of Appointment and Interim Notice of Appearance under subsection (a).
- (iv) Upon completion of the ADR procedure, the appointed counsel shall provide the Judge, the Pro Bono Coordinator 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.
- (v) It shall be the responsibility of the appointed attorney to present the Court with a proposed order finding that such representation has been completed and terminating the representation.

Section 5. Responsibilities of the Appointed Attorney

(a) Initial Communication. Upon receiving a notice of appointment and entering an appearance in the action, the appointed attorney shall promptly communicate with the newly represented litigant concerning the action. The appointed attorney should discuss fully the merits of the dispute with the litigant and should explore with the litigant the possibilities or requirement of resolving the dispute in other forums, including but not limited to in mediation or in an administrative forum, such as the National Labor Relations Board or an immigration court.

(b) Scheduling Order Extension. Within ten (10) days of receiving a notice of appointment and entering an appearance in the action, the appointed attorney may request an extension of the scheduling order upon written application to the Court with service on all parties. The Court will consider this request but is not required to grant it.

(c) Duration of Representation. If the litigant desires to pursue the action after consultation with the appointed attorney, the appointed attorney shall proceed to represent the litigant in the action, unless or until the attorney-client relationship is terminated as provided by Section 9. An appointed attorney shall represent the litigant in the action from the date the appearance is entered until a final judgment or appealable interlocutory order is entered in the action.

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

(e) Nonrepresentation on Appeal. Where the appointed attorney elects not to represent the litigant on appeal or in a proceeding on remand, the attorney shall advise the litigant of all required steps to be taken in perfection of the appeal or in appearing in the proceeding on remand. Such advice shall include resources available to appointed counsel including referrals to an appropriate alternative counsel, and/or pamphlets, presentations, or example forms or pleadings counsel is able to share.

Section 6. Expenses

(a) The appointed attorney or firm shall seek reimbursement from the *pro se* litigant for the costs incurred in litigating the action to the extent the *pro se* litigant is able to bear such costs. If the *pro se* litigant is unable to do so, the appointed attorney or firm may apply for reimbursement of expenses from the Western District of Washington's Bench Bar Fund as specified below. If reimbursement is not available from the *pro se* litigant or the Bench Bar 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 *pro se* litigant is unable to bear the costs of the litigation, the appointed attorney may contact the Pro Bono Coordinator to apply for reimbursement of expenses, per subsection (iv)(B) below, from the Bench Bar Fund to defray costs, as follows:

(i) LIMITATIONS ON EXPENSE AMOUNTS.

(A) Pre-trial Expenses. Pre-trial expenses are expenses and costs incurred through the dispositive motion deadline set by the court in the case schedule. The Judge is authorized to approve prepayments or reimbursements totaling up to \$4,500 for pre-trial expenses. Prepayments or requests for reimbursements exceeding this amount must obtain permission from the Judge before the expenses or costs are incurred.

(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 is authorized to approve prepayments or reimbursements totaling an additional amount up to \$4,500. Counsel requesting prepayments or requests for reimbursements exceeding this amount must obtain permission from the Judge before the expenses or costs are incurred.

(ii) EXPENSES AND COSTS NOT COVERED.

- (A) Overhead. General office expenses are not reimbursable from the Bench Bar Fund. These include personnel costs, rent, telephone services, subscription costs including internet or other research tools, secretarial help, word processing, office photocopying equipment, and any general expense that would not normally be reflected in the fee charged to a client.
- (B) Costs Awarded Against a Party. Under no circumstances shall any payments be authorized from the Bench Bar 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 depositions shall be reasonable. Costs of transcripts shall not exceed the Ordinary Transcript rate established by the Judicial Conference of the United States in effect at the time the transcript was prepared (see <http://www.wawd.uscourts.gov/transcr-orders-and-fee-rates>). 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 transcript rate (such as expedited or real-time transcripts) or the number of copies of depositions or transcripts 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 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. A reimbursement request form may also be requested from the Pro Bono Coordinator.

- (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 to conduct 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 Bench Bar Fund.
 - (F) Interpreter Services. Costs of interpreter services not otherwise avoided, waived, or recoverable may be reimbursed from the Bench Bar Fund.
 - (G) Photocopies, Photographs, Telephone Calls. Actual out-of-pocket expenses incurred for items such as outside photocopying services, photographs, and telephone calls necessary for the preparation of a case may be prepaid or reimbursed from the Bench Bar 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. 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 requiring advance authorization, the request for authority to incur the expense shall be made by ex parte motion filed with the Judge or through a reimbursement request form maintained by the Pro Bono Coordinator.

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 Pro Bono Coordinator. 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 submitted with the Pro Bono Coordinator, who shall review the voucher to verify that it complies with these regulations, and then forward it to the Judge. Upon approval by the Judge, the Pro Bono Coordinator 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 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 is permitted to withdraw from representing the party in a proceeding and the attorney has incurred expenses which may be reimbursable under these regulations, they shall submit a request for reimbursement within 90 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 submitted more than 90 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 Judge and/or Chief Judge. The Judge on the case 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 7. Compensation for Services

(a) 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.

(b) If, after appointment, the appointed attorney discovers the party can pay for legal services, the attorney shall bring this information to the attention of the 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*.

Section 8. Educational Panels and Pilot Projects

(a) Educational committees 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 committees 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.
- (ii) The Pro Bono Coordinator 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 may request 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 9. Relief from Appointment

(a) **Withdrawal Procedures.** An appointed attorney may move to withdraw as counsel pursuant to LCR 83.2(b). In a motion to withdraw as counsel, an appointed attorney may indicate whether any of the following factors are present: (i) a conflict of interest precludes the attorney from accepting the responsibilities of representing the party in the action; (ii) a personal incompatibility exists between the attorney and the party; (iii) a substantial disagreement exists between the attorney and the party on litigation strategy; (iv) the party's claims are not warranted under existing law and cannot be supported by good faith argument for extension, modification, or reversal of existing law, or (v) any other good cause exists for the withdrawal.

(b) **Discharge.** A represented litigant shall be permitted to ask the Court to discharge the attorney from the representation for any reason. Such a request must be made within twenty (20) days after the litigant's initial consultation with the appointed attorney or within such additional period permitted by the Court. Once the request has been made, the Court shall issue an order discharging the appointed attorney from further representation of the litigant in the action. Litigants shall support their request for discharge by good cause if they intend to request a new

appointment of counsel. Good cause may include, but is not limited to: (i) a conflict of interest that the litigant has discovered or that the attorney has reported to the litigant that precludes the attorney from accepting the responsibilities of representing the litigant in the action; (ii) a personal incompatibility exists between the attorney and the litigant; or (iii) a substantial disagreement exists between the attorney and the litigant regarding the litigation strategy.

(c) Appointment of New Counsel. If a motion for relief from an order of appointment or discharge is granted, the Court may issue an order directing appointment of another attorney to represent the litigant. Such appointment shall be made in accordance with the provisions of Section 3 of the Pro Bono Plan.

The Court shall have the discretion not to issue a further order of appointment or to refer the case back to the Screening Committee, in which case the litigant shall be permitted to pursue the action *pro se*. In actions where (i) the litigant's request for discharge was not supported by good cause, or (ii) the litigant seeks discharge of a second appointed attorney, no additional appointments shall be made absent extenuating circumstances.