

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK**

WILLIAM M. McCOOL
CLERK

U.S. COURTHOUSE, SUITE 2310
700 STEWART STREET
SEATTLE, WASHINGTON 98104

TO: Plaintiff in a Civil Rights Action Which **DOES NOT** Involve Employment Discrimination (Title VII Action)

FROM: United States District Court
Western District of Washington

APPLICATION FOR COURT-APPOINTED COUNSEL

The Clerk provides an application for court-appointed counsel for pro se litigants. If you choose to apply for court-appointed counsel:

- (1) Complete all portions of the Application and sign the Application in the appropriate space on page three, indicating your desire to have court-appointed counsel; and
- (2) If you have not been granted leave to proceed in forma pauperis in this action, complete and sign the attached Financial Affidavit; and
- (3) Sign Application;
- (4) Within thirty days of filing the Complaint, file the original signed Application (and Affidavit if appropriate) in the Clerk's office together with a copy for the United States District Judge or Magistrate Judge before whom the case is pending; and
- (5) Send copies to the attorney for each party who has appeared or answered in the case.

APPOINTMENT PROCEDURE

Congress has provided, in 29 U.S.C. § 1915(d), that courts may request an attorney to represent any person who qualifies to proceed in forma pauperis. The Court does not have funds, however, to compensate attorneys who agree to represent civil rights plaintiffs. This Court has therefore formed a Pro Bono panel of attorneys who are willing to accept appointment to represent pro se litigants in civil rights actions.

If the Court determines that an applicant for court-appointed counsel in a civil rights action is financially qualified, the Court may refer the action to the Civil Rights Case Screening Committee. The Committee determines whether counsel should be appointed to represent the pro se plaintiff. Factors which the Committee takes into account include:

- (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;

- (4) the presence of conflicting testimony calling for a lawyer's presentation of evidence and cross-examination;
- (5) the capability of the pro se party to present the case;
- (6) the degree to which the interest of justice will be served by appointment of counsel, including the benefit the Court may derive from the assistance of appointed counsel.

If the Committee determines that a plaintiff is eligible for appointed counsel, the Court appoints an attorney from the Pro Bono Panel. The plaintiff is not entitled to select a specific attorney for appointment. It is important, therefore, that plaintiffs complete their own attempts to retain counsel before applying for appointed counsel.

FINANCIAL RESPONSIBILITY

It is each plaintiff's responsibility to pay litigation expenses to the extent reasonably feasible based on his or her financial condition. It is also each plaintiff's responsibility to pay part or all of the court-appointed attorney's fees to the extent reasonably feasible based on his or her financial condition.

If the plaintiff's claim is ultimately successful, the Court has authority to order the defendant(s) to pay plaintiff's attorney's fees under 42 U.S.C. § 1988.

ADDITIONAL INFORMATION

If you have any questions regarding the Application form, or about the procedure in preparing and filing it, you may direct them to the Clerk of the Court at U.S. Courthouse, Suite 2310, 700 Stewart St, Seattle, WA 98101 or if by telephone at (206) 370-8400.