



United States District Court
District of Rhode Island

Plan for *Pro Bono* Representation in Civil Cases

I. Introduction

The United States District Court for the District of Rhode Island recognizes that there are special occasions when it may be in the interest of justice to appoint counsel to assist a *pro se* party of limited financial means in a civil case. To that end, the Court hereby adopts the following Plan for *Pro Bono* Representation in Civil Cases (“Plan”) to allow the Court to appoint counsel in such cases as it sees fit.

II. Civil Pro Bono Panel

Attorneys willing to accept appointment to represent individuals who have been granted *in forma pauperis* status, or entities that the Court determines are of limited financial means, should submit an application to the Clerk of Court to become members of the Court’s Civil *Pro Bono* Panel (“Panel”).

Attorneys who are members in good standing of the bar of this Court may become members of the Panel. Attorneys with less than five (5) years of civil litigation experience and attorneys who the Court determines otherwise lack the requisite civil litigation experience will be required to work on cases under the supervision of a mentor attorney. The mentor attorney must enter an appearance in the case, shall sign and be responsible to the Court for the content of all pleadings, motions and documents filed, shall attend all court proceedings unless excused, and shall be prepared to assume sole responsibility for the case.

Panel attorneys are expected to be reasonably available and willing to accept appropriate appointments pursuant to this Plan, and act in good faith when declining appointments. Panel attorneys are expected to decline appointments only due to a conflict, workload issues or an ethical concern. Panel attorneys are also expected to comply with all applicable court rules and rules of professional conduct in the course of their appointed representation of clients.

All Panel attorneys must, either individually or through a firm, maintain professional liability insurance.

Panel attorneys accept appointments on an individual basis. The firm that employs a Panel attorney is not expected to supply replacement *pro bono* counsel in situations where the individual Panel attorney cannot continue representing the party appointed counsel by the Court.

An attorney who no longer wishes to participate may withdraw from the Panel at any time by letter or email submitted to the Clerk of Court, provided that the attorney must complete any case in which he/she has been appointed unless and until either the case is concluded or a motion to withdraw in accordance with LR Gen 206(e)(2) has been granted.

III. Appointment Procedures

Whenever a judicial officer concludes that appointment of *pro bono* counsel is warranted in a civil case, the Clerk will select an attorney from the Panel membership list and contact the Panel attorney regarding their availability. If a judicial officer determines that the appointment of an attorney who is not a Panel attorney is warranted, that attorney may be admitted to the Panel *pro hac vice*. If the Panel attorney agrees to accept the appointment on a conditional basis, the Court will issue a conditional order directing appointment of the Panel attorney to represent the *pro se* party.

The Clerk will then send the conditional order of appointment to the selected attorney. The selected attorney will, within fourteen (14) days of receipt, review the case, communicate with the client about the case, and otherwise ensure that there is no professional impediment that prevents acceptance of the case. If the Panel attorney agrees to continue as *pro bono* counsel after reviewing the case and meeting with the prospective client, the attorney will enter a notice of appearance. The Panel attorney may file a declination of appointment, and where appropriate, state the reasons for the declination. If a declination is filed, the judicial officer may direct the Clerk to select another Panel attorney in accordance with this provision. If no declination is filed within fourteen (14) days of the conditional appointment, the appointment is final and an entry of appearance must be filed.

IV. Relief from Appointment

An attorney seeking relief from a particular appointment after the appointment is final will file a motion to withdraw in accordance with LR Gen 206(e)(2) that sets forth the circumstances constituting cause for withdrawal. If the motion to withdraw is granted, the judicial officer may issue an order directing appointment of another attorney from the Panel to represent the party. The judicial officer may elect not to issue a further order of appointment, in which case the party will be permitted to proceed *pro se*.

V. Reimbursement

A Panel attorney may petition the court for reimbursement of certain expenses incurred in the preparation and presentation of the case within 45 days following withdrawal and/or conclusion of the case. The maximum reimbursement for most representations will not exceed \$1,500.00 per

case.¹ The Court may, in exceptional cases, reimburse appointed attorneys up to \$2,500.00 per case. Expenses that are reimbursable from another source, such as costs that are reimbursable to the prevailing party, are not reimbursable by the Court. To the extent that any expenses are reimbursed by the Court and subsequently become reimbursable by another party or other entity, the amount reimbursed by the Court shall be returned.

Upon application by an appointed attorney, the presiding judicial officer may award attorney's fees to an appointed attorney for services rendered as authorized by applicable statute, regulation, rule, or other provision of law.

VI. Duration of Representation

Any appointment for representation shall be limited solely to those matters at issue before the Court and may be limited 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.

VII. Effective Date

This Plan shall become effective when approved by the District Judges of the United States District Court for the District of Rhode Island.

Approved and adopted by the Court on July 1, 2014.

By the Court:



William E. Smith
Chief Judge

¹ For additional information regarding expense reimbursement in pro bono appointments, please consult the Guidelines for Pro Bono Attorneys, a copy of which will be posted to the *Pro Bono* section of the Court's website.