

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA**



Jon E. DeGuilio, Chief Judge  
Gary T. Bell, Clerk of Court

**Plan for the Volunteer Attorney Panel for Civil Rights Cases**

Effective November 2021

The objective of the Plan for the Volunteer Attorney Panel for Civil Rights Cases (the Plan) is to facilitate the recruitment of counsel for indigent *pro se* parties in civil rights cases when such recruitment has been authorized by a judicial officer.

**I. Responsibilities of Plan Administrator**

Attorney Rob Kinsella will be the Plan Administrator for this program and shall administer the Plan in the manner set forth below.

**II. Responsibilities of Participating Lawyers**

Any attorney admitted to practice in the Northern District of Indiana may participate. Each participating lawyer pledges to assume responsibility for up to one appointment per year if one is available.

Participating in this Plan is a commitment and recruited counsel agrees that a case will not be declined except on the following grounds:

- A conflict of interest precludes counsel from representing the party in the case.
- The lawyer believes he/she lacks sufficient experience to represent the party in the case.
- Some personal incompatibility or a substantial disagreement exists on litigation strategy between counsel and the party.
- Because of the temporary burden of other professional commitments involved in the practice of law, counsel lacks the time necessary to represent the party.
- In counsel's opinion, the party is proceeding for the purpose of harassment or to inflict malicious injury, or 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.

### **III. Designation of Cases for Representation and Selection of Counsel**

- A. Whenever a judicial officer determines that there is sufficient cause to exercise the discretionary power of the Court to recruit counsel for an unrepresented indigent party in a civil case, the judicial officer shall issue an order granting the indigent party's request for the appointment of an attorney. The order shall be transmitted to the Plan Administrator.
- B. The Plan Administrator will contact participating lawyers not currently handling a case to give them the opportunity to fulfill their pledge to assume responsibility for a case.
- C. If an appointment is declined in accordance with Section II, the Plan Administrator shall tender the case to another lawyer in the manner set forth above. Alternatively, the Plan Administrator may recommend that the judicial officer vacate the order of recruitment.

### **IV. Notification of Appointment**

After representation has been secured in the case, the Plan Administrator shall promptly send confirmation to recruited counsel. Counsel should examine the docket sheet for the case on the CM/ECF system to become familiar with the events in the case. For documents not available on the electronic system, copies will be provided by the Clerk's Office, upon request.

Pursuant to N.D. Ind. L.R. 83-7(c), an attorney who accepts a request to represent an indigent party shall enter an appearance for the party within 14 days after accepting the appointment.

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

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. Recruited 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 pursuant to N.D. Ind. L.R. 83-7(d).

If the party desires to take an appeal from a final judgment, recruited counsel may assist the party in filing the notice of appeal, but counsel has no obligation to continue handling the case on appeal. No expenses associated with an appeal shall be reimbursed.

### **VI. Frequency of Recruitment**

No attorney will be asked to represent an indigent litigant more than once during a calendar year, nor will an attorney be recruited to represent an indigent litigant sooner than twelve months after the conclusion of the attorney's most recent service as recruited counsel.

## **VII. Expense Reimbursement**

Under N.D. Ind. L.R. 83-7(e), attorneys may seek reimbursement or prepayment of reasonable expenses incurred representing an indigent party. It is generally anticipated that only out-of-pocket expenses may be reimbursed. Reimbursement requests must be made within 90 days of the date the expenses were incurred. Reimbursement of out-of-pocket expenses have a cap of \$2,000. The assigned judge may, for good cause shown, extend the time for filing a reimbursement request or allow additional reimbursement above the cap.

Under N.D. Ind. L.R. 83-7(e)(4), an attorney who receives a fee award must promptly repay all reimbursements.

## **VIII. Compensation for Services**

The goal of Local Rule 83-7 and the Volunteer Attorney Panel for Civil Rights Cases is to ensure that *pro se* litigants who require the assistance of counsel are able to obtain that assistance. The goal is not to require attorneys to work for free when statutory or contingency fees may be available. Recruited counsel and the litigant may negotiate a fair and reasonable fee agreement at the outset of the representation. Any such fee arrangement is subject to all applicable rules, laws, and canons of professional conduct.

Upon appropriate application by assigned counsel, the judge may award attorney's fees to assigned counsel for services rendered in the action as authorized by law. Please note that even if fee shifting is available under 42 U.S.C. § 1988, the Prison Litigation Reform Act, 42 U.S.C. § 1997e(d), sets limits on attorney's fee shifting.