

# MEMORANDUM

TO: Ninth Circuit Judicial Council  
cc: Cathy Catterson, Circuit and Court of Appeals Executive  
Robert E. Rucker, Ph.D., Assistant Circuit Executive

FROM: Charles R. Pyle, Chair of Pro Se Litigation Committee  
James P. Donohue, Outgoing Chair of Pro Se Litigation Committee

DATE: October 17, 2014

RE: Interim Report of the Pro Se Litigation Committee

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The Ninth Circuit Pro Se Litigation Committee (“Committee”) was formed in 2006 to follow up on the recommendations of the 2002 Task Force on Self-Represented Litigants. The initial Chair was then-Magistrate Judge Edward Chen, who ably led the Committee in its mission development. In 2009, Magistrate Judge James Donohue stepped in as Chair and completed his service in September 2014. Magistrate Judge Charles Pyle has been appointed to serve as the Committee Chair, effective October 1, 2014. An earlier interim report of the work of the Committee was issued in 2009. The purpose of this report is to update the Judicial Council on the activities of the Committee.

Initially, the committee consisted solely of Article III judges, magistrate judges and pro se law clerks. In 2011, a single bankruptcy judge was added to the Committee. Presently, two bankruptcy judges are active participants and the Committee’s focus has shifted to encompass the needs of our bankruptcy courts. The members of the Committee are dedicated and passionate about confronting access to justice issues and case management strategies that arise in cases involving unrepresented litigants. Susan Gelmis who heads up the pro se unit with the 9th Circuit is an *ex officio* member of the Committee, and plays a vital role in the work of the Committee.

## 1. SCOPE OF THE ISSUES FACING THE COMMITTEE

The pace of filings by unrepresented litigants continues unabated. In the Ninth Circuit, the following district court filings data help to define the challenges facing the judiciary.

Year	Pro Se Filings in District Courts 9th Circuit	Percentage of Total Civil Filings	Percentage of Pro Se Filings Constituting Prisoner Filings
2009	15,692	36%	
2010	15,583	36%	66%
2011	17,031	37%	63%

2012	17,400	36%	61%
2013	16,135	35%	65%

Pro Se Filings in Bankruptcy Courts in the Ninth Circuit also remain at very significant levels. Overall, 19.2% of all bankruptcy filings in the Ninth Circuit for the year ending June 2014 were from pro se litigants. This filing data by pro se litigants is further broken down as follows:

- Chapter 7 Cases -- 16% of total filings
- Chapter 11 Cases -- 7.2% of total filings
- Chapter 12 Cases -- 6.6% of total filings
- Chapter 13 Cases -- 23% of total filings
- Chapter 15 Cases -- 4.5% of total filings

For the past two years at the Ninth Circuit level, more than 50% of all filings have involved one or more pro se litigants.

Comprehensive filing data for the Ninth Circuit and for district and bankruptcy courts in the Ninth Circuit are attached at Tab 1.

The principal efforts by the Committee for cases filed in the district courts have focused on issues of case management of prisoner litigation, increasing pools of pro bono attorneys for prisoner and non-prisoner cases, and judicial training. The actions at the bankruptcy court level have focused broadly on increasing available pro bono resources and increasing district awareness of programs throughout the Ninth Circuit. The Ninth Circuit pro bono program is one of long standing, and the Committee has not dedicated substantial attention to needs at the Ninth Circuit, with the exceptions of identifying pro bono programs of note in its newsletter and exposing pro se law clerks at the district court level to issues of concern that impact the work at the Ninth Circuit.

**2. PRISONER CASES--CASE MANAGEMENT ISSUES**

**A. Pro Se Law Clerk Conference**

Until recently, the Committee developed and sponsored an annual training program for Pro Se law clerks throughout the Ninth Circuit. Due to budget constraints, the in-person training program is now scheduled only on a biennial basis. The program provides a substantive case law update. Perhaps more importantly, it provides a forum for the pro se law clerks to exchange ideas about how to manage the high volume of cases while maintaining the importance and dignity of the individual case presented. One of the goals of the conference is to encourage sharing case management ideas and bringing these ideas back to individual districts for possible implementation.

*i. Substantive Updates*

Recent substantive areas of training have included RLUIPA issues, medical indifference cases, prisoner first amendment issues, PREA, AEDPA updates, ethics training for law clerks, prison grievance procedures, self-help centers for pro se litigants, and tools to help manage vexatious litigants. A copy of the agenda for the September 2014 pro se law clerk conference is attached as Tab 2.

*ii. Procedural and Case Management Updates*

The law clerks are seated with their counterparts from other districts, presented with "typical" scenarios and share their experiences as to the best means of handling the cases. As we are likely to be losing some pro se law clerks, emphasis has been placed on use of technology to get more with the resources we have. Representatives of some districts share with the entire group new uses of technology or other innovative case management techniques, such as the use of e-filing for prisoners.

The Committee hopes that the Court will continue to support these in-person meetings on at least an every other year basis. The exchange of ideas is an important aspect of the meetings, as it involves making connections that enable law clerks to contact their peers when new issues arise.

Judges also participate in the program. The district courts in the Ninth Circuit are extremely varied in their use of pro se law clerks. In addition, there are obvious limits on the ability of a pro se law clerk to enact district-wide procedural changes in the way cases are handled. The presence of judges may enhance the possibility that implementation of more efficient procedural changes is likely to occur. In addition, the conference includes a breakout session just for judges to exchange ideas in handling proceedings involving pro se litigants.

The success of the pro se conference is perhaps best exemplified by the fact that the FJC now sponsors a national program, limited to one law clerk per district, often using the agendas developed by the Committee, and utilizing personnel from the Committee to assist.

**B. Webinars**

When the annual conference for pro se law clerks shifted to a biennial basis due to budget constraints, the committee continued its mission of training pro se law clerks by organizing and presenting 90 minute webinars, presumptively scheduled on a quarterly basis. We have learned it is best to schedule these around the noon hour, and law clerks around the circuit can brown bag with their peers. After a couple of experiments, it appears that the technology works, and early mistakes have been corrected. Early programs included webinar presentations on issues left unanswered by *Pinholster* and *Martinez v. Ryan*. All pro se law clerks are invited to attend. In the future, we may be inviting Magistrate Judges and their elbow law clerks as well. Copies of some of the 2013 and 2014 Webinar programs are attached at Tab 3.

As valuable as webinars can be, they are no substitute for the biennial conference. The conference not only provides substantive law updates, but as mentioned above, provides a basis to exchange and develop new ideas. For example, concepts such as the 3 strikes database,

prisoner case mediation, and prisoner e-filing were first introduced as concepts in the conferences and are thriving in practice today.

**C. Judicial Training**

A judge from each district is also invited to attend the pro se law conference. This is designed to facilitate the exchange of ideas regarding case management issues. Most of the educational sessions take place with both judges and law clerks. However, there is also a separate judicial breakout session just for judges to discuss judicial ethics and case management issues involving pro se litigants in both the prisoner and non-prisoner setting. A copy of recently-used hypotheticals for the judicial breakout is attached at Tab 4.

In addition, it has been a long-term goal to provide a judicial manual for dealing with issues that often arise with non-represented litigants. We have worked with the FJC on this project for several years, but unfortunately, it has been a bit of a start and stop project with the FJC. We remain interested in reinitiating this project.

**D. Prisoner Civil Rights Mediation**

Prisoner ADR is a concept that has now received widespread acceptance in several districts throughout the Ninth Circuit. The Committee has worked with the Ninth Circuit ADR Committee to expand the use of prisoner mediation where it has been accepted as part of the culture of the court. In addition, the Committee has been attempting to develop a "best practices" model to assist other districts that may want to consider adopting such a model.

**E. Prisoner E-Filing**

Several years ago, one of the speakers at the pro se law clerk conference was a librarian from a prison located in the Central District of Illinois. She spoke about a new project they were undertaking involving prisoner e-filing. It has now been adopted by several districts in the Ninth Circuit, most notably, the District of Arizona and in part in the Central District of California. One of the pro se law clerk members of the Committee, James McKay, spearheaded the District of Arizona's project, along with Judge Pyle. Their progress was slow and painful at times. They discovered a number of things that work, and, just as important, a number of things that do not work, in terms of getting the program off the ground. When the kinks were worked out, Arizona ended up with a system that works well for judges, pro se law clerks, corrections officials, inmates, and the Clerk's Office. It has also freed up significant resources in the Clerk's Office otherwise directed to copying substantial volumes of prisoner pleadings. Their experiences in developing a program, and discovering what to do and what not to do, is being put into a "best practices" document, to assist other districts in emulating this program, if they choose to do so. A copy of our recommendations regarding development of prisoner e-filings programs is attached at Tab 5. Copies of General Orders from the districts of Arizona, Eastern and Central California, and Oregon are also included.

**F. Role Of Pro Se Law Clerks In Prisoner Litigation**

At one point, the Committee was investigating whether we should make a "best practices" recommendation for use of pro se law clerk resources to the Judicial Council or to the

chief district judges. However, this would include developing a case management structure that is beyond the Committee's charge. Individual districts handle habeas and prisoner civil rights cases in different ways. These differences involve distinct structural issues, such as the relative roles of magistrate judges and district judges in these cases, and pro se law clerk reporting responsibilities. Nevertheless, at the pro se law clerk conferences, different district approaches to case management are stressed, to stimulate thinking about whether something that works well in one district might be tailored for another. A copy of a work flow chart reflecting work responsibilities for each district is attached at Tab 6.

#### **G. Technology**

The technology subcommittee has been working on increasing pro se law clerk familiarity with Share Point technology at the conferences, to increase productivity, particularly for newer pro se law clerks. In addition, the subcommittee, in conjunction with the Ninth Circuit library staff, is developing an electronic newsletter that focuses on new developments in habeas and Section 1983 cases, which will also include links to commonly-used resources. This will enable pro se law clerks to keep up to date on new case developments, and to make sure resources are readily available. The initial launch is expected shortly.

### **3. INCREASING POOL OF RESOURCES**

In addition to making better use of existing resources, the Committee has been active in attempts to increase available resources.

#### **A. Pro Bono Expansion**

Individual districts have had a variety of pro bono programs, designed to ease the challenges of pro se litigation by increasing the number of volunteer attorneys willing to assist the litigants and the Court. Some programs are very formal and sophisticated; others less so. It often seems when there is a need for a program, there is no time to develop one. This came to the forefront during the foreclosure crisis of the last recession. District court filings involving pro se non-prisoner cases spiked, and many districts found themselves in a situation where increased pro bono services were needed.

The Committee decided to survey the pro bono resources available by district, and contacted each district for a pro bono point person from that district. The hope is that if a district wishes to increase its pro bono plan, it will not have to start from scratch and reinvent the wheel. Instead, an interested district can contact the pro bono person from another district which has implemented a plan similar to that which is being considered, and use that resource to ease the implementation and execution of the plan. The concept requires regular updating of efforts to keep the information fresh, and that is also the role of the pro bono point person for each district.

The listing of the district programs is on the Ninth Circuit intranet web site, and a copy is attached at Tab 7.

#### **B. Future Expansion**

Some districts have raised questions about what can be done ethically to develop a pool of attorneys willing to serve on a pro bono panel. Issues include whether judges can engage in recruitment activities at a law firm brown bag luncheon, for example, when the only issue involves increasing access to justice. Other questions regarding judicial involvement in training issues for pro bono lawyers and recognition of volunteer have also arisen, to name a few. Future work by the Committee will include addressing these issues, to increase the comfort level of the district court decision-makers regarding pro bono expansion. Future projects also include expansion of pro bono interpreter services.

#### **4. BANKRUPTCY COURT NEEDS**

About 4 years ago, a bankruptcy judge was added to the committee membership. It became readily apparent that the Committee had been failing to live up to its charge by its omission of bankruptcy judges. Our bankruptcy judges have experiences with pro se litigants that far exceed the experience of other judges in the federal system, and the non-bankruptcy judges have much they can learn from their bankruptcy counterparts.

##### **A. Increasing Resources**

Similar to the district court project that inventoried pro bono programs and appointed a district pro bono point person, the members of the Committee did the same thing for bankruptcy courts in the Ninth Circuit. A copy of the programs is on the Ninth Circuit website, and is also attached at Tab 8. As will be seen, the breadth of these programs goes beyond the reach of the district court programs. Many of the programs are educational programs that offer tutorials and many are online, thereby enhancing access. Specialty pro bono clinics are also part of the program offerings.

##### **B. Judicial Training**

The experience of our bankruptcy judges is an unused resource for judicial training of non-bankruptcy judges in dealing with challenges presented by pro se litigants. As the Committee continues its work in judicial training of district court judges and magistrate judges, we should remember to tap into this “hidden” resource.

#### **5. GETTING THE WORD OUT AND FUTURE EFFORTS**

The Pro Se Litigation Committee has been very active. Unfortunately, Committee efforts to disseminate information about our activities remain a work in progress. To help remedy this, the Committee took a large step forward by its publication of a quarterly newsletter called *The Gideon*. Representative copies of the newsletter can be seen at Tab 9. The newsletter describes efforts taken at every level of the Ninth Circuit to discuss issues involving the unrepresented and steps taken by the judiciary to address these challenges. In addition, certain districts are now publishing information regarding efforts undertaken at the local level. An excellent example of this is the report from the Bankruptcy Court in the Central District of California. A copy of this information can be seen at Tab 10. This publication should serve as a model of information dissemination of the efforts being undertaken throughout the Ninth Circuit. Most districts throughout the Ninth Circuit are doing a really great job about expansion of resources to increase

access to justice. Most of the public (and the judiciary), however, remain unaware of what is being done. This should change.

Future efforts need to include improvement in the dissemination of this work, assistance in expansion of pro bono programs and instructions on access to justice issues, and continuation of the pro se law clerk conference and educational materials for the benefit of the pro se law clerks.

## **6. CONCLUSION**

On a personal note, Judge Donohue finished his term as Chair of the Committee in September 2014. He wants to thank Chief Judge Kozinski and former Chief Judge Schroeder for permitting him to serve on the Committee and to chair it. Challenges remain, but the Committee members are active, committed and passionate about its mission. This passion remains one of the main resources of the Committee.

cc: Hon. Shiela Oberto  
Hon. Dale S. Fischer  
Hon Catherine E. Bauer  
Hon. Maureen A. Tighe  
Hon. Brian A. Tsuchida  
Hon. Nandor J. Vadas  
William Stansfield  
Melissa Hartigan  
Denise M. Asper  
Susan Gelmis

**Interim Report of the Pro Se Litigation Committee  
Table of Contents**

	Tab
Comprehensive Filing Data	1
September 2014 Pro Se Law Clerk Conference Agenda	2
Webinars	3
Hypotheticals for Judicial Training	4
Best Practices for Prisoner E-Filing and General Orders from AZ, CAC, CAE and OR	5
Work Flow Charts for Habeas and 1983 Prisoner Civil Rights Cases by District	6
District Court Pro Bono Programs by District	7
Bankruptcy Court Pro Bono Programs by District	8
The Gideon (Pro Se Litigation Committee Newsletters)	9
CAC Bankruptcy Court Access to Justice Report Self-Represented Parties and the Court 2013	10

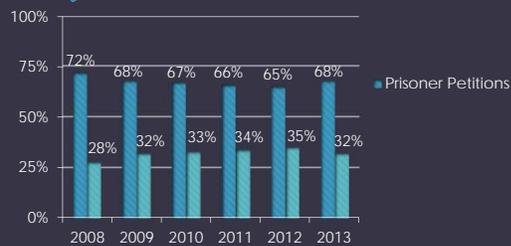
## Case Management Strategies for Pro Se Litigants

Magistrate Judge James Donohue, Chair, Ninth Circuit Pro Se Committee  
Denise Asper, J.D., Prisoner Litigation Project Director, OCE

## Pro Se Filings U.S. District Courts (National)

- 2013 – 77,311 (27% of total)
- 2012 – 77,703 (28%)
- 2011 – 75,446 (26%)
- 2010 – 72,900 (26%)
- 2009 – 71,543 (26%)

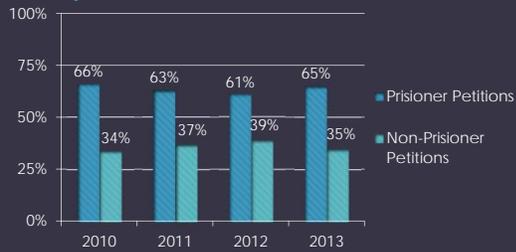
## Pro Se Filings by Category U.S. District Courts (National)



## Pro Se Filings U.S. District Courts (Ninth Circuit)

- 2013 – 16,135 (35% of total)
- 2012 – 17,400 (36%)
- 2011 – 17,031 (37%)
- 2010 – 15,583 (36%)
- 2009 – 15,692 (36%)

### Pro Se Filings by Category U.S. District Courts (Ninth Circuit)



### Pro Se Filings - 2013

District	Prisoner	Non-Prisoner	% of Total Filings
Alaska	45	63	35
Arizona	2,024	421	54
CA Northern	1,378	684	33
CA Eastern	2,032	468	53
CA Central	2,150	2,181	29

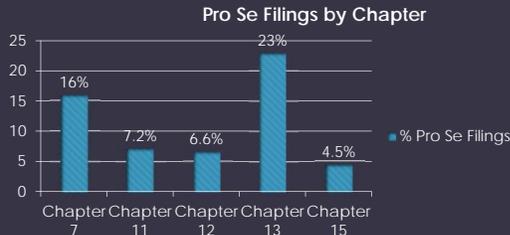
### Pro Se Filings - 2013

District	Prisoner	Non-Prisoner	% of Total Filings
CA Southern	823	321	34
Hawaii	102	129	33
Idaho	205	49	42
Montana	191	73	40
Nevada	605	396	34

### Pro Se Filings - 2013

District	Prisoner	Non-Prisoner	% of Total Filings
Oregon	384	254	27
WA Eastern	143	81	25
WA Western	443	467	26
Guam	7	6	36
NMI	3	8	38

### Pro Se Filings – 2013 Bankruptcy (Ninth Circuit)



### Pro Se Bankruptcy Filings - 2013

District	Chapter 7	Chapter 11	Chapter 13	% of Total Filings
Alaska	49	1	12	10.5
Arizona	4,595	22	421	21.5
CA Northern	1,775	19	1,355	16.4
CA Eastern	3,806	19	5,300	17.4
CA Central	13,314	40	5,300	24.7

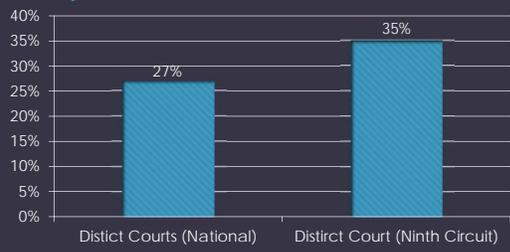
### Pro Se Bankruptcy Filings - 2013

District	Chapter 7	Chapter 11	Chapter 13	% of Total Filings
CA Southern	564	3	472	8.1
Hawaii	123	3	23	7.1
Idaho	284	0	49	6.0
Montana	134	2	29	9.1
Nevada	1,329	14	252	11.5

### Pro Se Bankruptcy Filings - 2013

District	Chapter 7	Chapter 11	Chapter 13	% of Total Filings
Oregon	1,026	4	100	8.3
WA Eastern	177	2	51	4.4
WA Western	1,255	15	680	9.9
Guam	1	0	0	0.6
NMI	1	0	0	0.17

## National v. Ninth Circuit Filings



**2014 PRO SE CONFERENCE  
THURSDAY-FRIDAY, SEPTEMBER 18-19, 2014  
CROWNE PLAZA HOTEL  
SEATTLE, WA**

AGENDA

THURSDAY, SEPTEMBER 18

8:00-8:30 a.m.: Coffee and Check In

8:30-8:45 a.m.: Welcome and Program Overview  
Magistrate Judge James Donohue

8:45-9:00 a.m.: Opening Remarks  
Chief District Judge Marsha Pechman, WAWD

9:00-10:00 a.m.: Supreme Court Review

Topics: examining Supreme Court cases from 2012 and 2013  
Speaker: Dean Erwin Chemerinsky, UC Irvine

10:00-10:15 a.m.: Break

10:15-11:15 p.m.: Habeas Corpus Update

Topics: recent cases and trends in habeas law since 2012  
Speaker: Dean Erwin Chemerinsky, UC Irvine

11:15-12:00 p.m.: Use of Technology, E-Filing Programs

Topics: new pro se website and other technology issues; e-filing programs in Arizona, Nevada, and Central California.  
Panelists: Magistrate Judges Brian Tsuchida and Valerie Cooke; Staff Attorneys James McKay and Rosa Morales

12:00-1:00 p.m.: Lunch (ADR Roundtable Discussion)

## AGENDA

1:00- 1:45 p.m.: Case Management Roundtable Discussion Part 1

Topics: best practices charts and forms, distribution of workload, staffing resources, and efficiency strategies.  
Moderator: Pro Se Conference Committee

1:45-2:30 p.m.: Case Management Roundtable Discussion Part 2

Topics: dealing with mentally ill or incompetent pro se litigants, managing habeas claims in a post-*Martinez* world, and post-*Iqbal* pleading issues  
Moderator: Pro Se Conference Committee

2:30-2:45 p.m.: Break

2:45- 3:45 p.m.: Medical and Psychiatric Care Cases

Topics: *Peralta* and *Plata* and trends in medical care cases involving prisoners.  
Panel: Melissa Lee, Columbia Legal Services; John Dittman, Assistant Attorney General, Washington Corrections Civil Rights Unit; Lisa Ells, Rosen Bien Galvan & Grunfeld  
Moderator: Judge Charles Pyle

3:45-4:15 p.m.: Hot Topics in the 9th Circuit

Topics: pending issues and recently decided cases at the circuit in pro se prisoner and non-prisoner litigation  
Speaker: Susan Gelmis

4:15-5:00 p.m.: Ethics for Federal Judicial Employees and Judges

Topics: overview and updates on ethical limits and restrictions on the federal judiciary  
Speaker: Professor John Strait, Seattle University

5:00 p.m. Adjourn

## AGENDA

FRIDAY, September 19

8:00-8:30 a.m.: Coffee

8:30-9:30 a.m.: Recent developments involving prisoner isolation/solitary confinement and sexual abuse, including changes in the law governing grievances.

Topics: PREA and its impact on prisoner litigation, including statutes of limitation and administrative exhaustion. A look at the solitary/isolation confinement claims.

Speaker: Professor Margo Schlanger, University of Michigan

9:30-10:15 a.m.: Lafler/Fry and Open questions in habeas

Topics: A look at the habeas and criminal landscape in the wake of the *Lafler* and *Fry* decisions.

Panel: Judge Brian Tsuchida, Staff Attorneys Melissa Hartigan, and Will Stansfield

10:15-10:30 a.m.: Break

10:30-11:30 a.m.: BREAKOUT SESSIONS

Judges Breakout Session – Moderators: Magistrate Judge James Donohue and Professor John Strait

Pro Se Staff Attorneys Breakout Session – Moderator: Susan Gelmis

11:30- 12:30 p.m.: RLUIPA and First Amendment Issues

Topics: Updates on First Amendment and retaliation issues.

Speaker: Professor Stewart Jay, University of Washington

12:30 p.m.: Adjourn



## Cullen v. Pinholster Webinar

### AGENDA

Thursday, June 13, 2013

*Thursday, June 13, 2013*

1:00 - 1:10 p.m.

**Welcome and Opening Remarks**, Hon. James P. Donohue, Western District of Washington

1:10 - 2:10 p.m.

**Viewing of Pre-Recorded Video**  
**“How Not To Get Your Habeas Handed to You”**

On its face, the Antiterrorism and Effective Death Penalty Act seems straightforward. But, rather than simplifying habeas review, courts have struggled with its language and its implications. Now, 16 years after AEDPA was passed, the Supreme Court has once again considered the confines of federal habeas review in *Cullen v. Pinholster*. However, the decision left many unresolved questions including: what circumstances justify an evidentiary hearing; may a court conduct an evidentiary hearing where a state court determined a claim was procedurally barred; and may a court permit discovery to allow a petitioner to supplement the state court record?

**Moderator:**

Kathleen M. Sullivan, Esq., Partner and Chair, National Appellate Practice, Quinn Emanuel Urquhart & Sullivan

**Panelists:**

Bill Bilderback, California State Supervising Deputy Attorney General  
Sean Kennedy, Federal Public Defender (CAC)  
Mark Drozdowski, Asst. Federal Public Defender (CAC)

2:10 - 2:50 p.m.

**LIVE Discussion**

**Moderators:**

Hon. James P. Donohue  
Kelly Seaburg, Law Clerk

2:50 - 2:55 p.m.

**Closing Remarks**, Magistrate Judge James P. Donohue, Western District of Washington

## **An Outline for Applying *Detrich, Martinez, Coleman, and Sexton***

**Preliminary Questions** (answering “no” to any question means *Martinez* does not apply)

- A. Is it an IATC claim?
- B. Is there no state decision on the merits?
- C. Is it exhausted and procedurally defaulted (no further avenue of state relief available)?
- D. Was the procedural default caused by (i) failure to appoint counsel on PCR or (ii) possible ineffective assistance of PCR counsel?
  - (1) No causation if claim raised adequately on PCR but not included in appeal
  - (2) Yes, causation if claim not raised at all by PCR counsel or pro se petitioner

***Martinez* Applicability Questions** (answering “no” to any question means *Martinez* does not apply)

- 1. Using the “debatable among jurists of reason” standard like for a COA, determine if the IATC claim is substantial (has some merit, has some factual support, deserving of encouragement to proceed further):
  - A. *Strickland* IAC standard =
    - (1) Deficient performance of TC
    - (2) Prejudice caused by TC = reasonable probability of different outcome
- 2. Determine if PCR counsel was ineffective under *Strickland* IAC standard =
  - A. Deficient performance of PCR
  - B. Prejudice: *Detrich* = same as substantial claim under 1. (above)
- 3. Determine if the PCR proceeding was the first opportunity the petitioner had to present the IATC claim. In other words, was the PCR proceeding “the equivalent of a prisoner’s direct appeal” for the IATC claim?
- 4. Determine if state law requires that IATC claims be raised in an initial collateral proceeding, or if a state’s procedural framework, by reason of its design and operation, makes it highly unlikely in a typical case that a defendant will have a meaningful opportunity to raise an IATC claim on direct appeal. (*Trevino* modification of *Martinez*)

### **If *Martinez* test met, then what next?**

If it is an IATC claim, if there is no state decision on the merits, if claim is exhausted and procedurally defaulted, if there is causation, and if *Martinez* 4-prong test is met then:

*Detrich*: “cause” is met, no need to proceed to “actual prejudice” prong; instead, proceed to “the merits [of] the substantial trial-counsel IAC claim.” And “as to these claims, the two-step cause and prejudice test of *Strickland* applies.”

*Coleman/Sexton*: “cause” is met; proceed to “actual prejudice” prong of *Coleman* = *Strickland* reasonable probability of different outcome (*Robinson v. Ignacio & Roe v. Flores-Ortega*) = merits of *Strickland* prejudice-prong analysis of IATC claim.

Additional consideration: decide whether 28 U.S.C. § 2254(e)(2) applies re: consideration of new evidence for merits.

## Scenarios for Breakout Session for Judges

### Scenario 1: Mary Smith

Pending before the bankruptcy court is an adversary proceeding filed by creditor Apex LLC seeking a determination that its claims against chapter 7 debtor Mary Smith cannot be discharged. Creditor sold and transferred the assets of a business to Debtor. Creditor claims that Debtor made oral misrepresentations regarding her ability to pay the full purchase price and obtained title to the business assets with no intention of repaying the obligation. Debtor made only two small payments and now seeks a bankruptcy discharge of the remainder of the debt. Creditor asserts that the discharge of the debt is barred by 11 U.S.C. § 523(a)(2)(A) as a result of Debtor's fraud. Debtor denies the allegations and argues that she never lied to Creditor, that she always intended to pay Creditor, but that the business failed despite her best efforts.

You are now considering Creditor's summary judgment motion. While filed by an attorney, the declarations in support of the motion are subject to evidentiary objection, in particular, that a significant portion of the information is hearsay. In her opposition, the Debtor fails to either object or respond to damaging hearsay statements and provides largely inadmissible evidence disputing some but not all of the allegations. Given that the Creditor must establish fraud, you could deny the motion, but, if the Debtor were neither sympathetic nor a pro se litigant, you would strongly consider granting the motion, accepting the hearsay "evidence."

In further reviewing the file, you note that the Creditor's claim may be subject to challenge on the ground that it was not filed within the time limits provided by statute, although the Debtor did not raise the statutory time limits as an affirmative defense in her answer. The Debtor's chapter 7 Trustee obtained a time limit extension from the Debtor that generally extends some time limits for "all creditors," but you think it unlikely that the Trustee intended the extension to apply to a creditor's individual objections to the dischargability of a claim. You know that is not the practice in your District, and the language in the extension stipulation is unclear at best.

1. Can you and should you advise Ms. Smith that she has the right to object to the Creditor's hearsay evidence in supporting the summary judgment motion?
2. Can you or should you advise the Debtor as to the possibility of a defense based on timeliness?
3. Assuming this matter proceeds to trial, what support can you or should you provide to the Debtor?

(If you think you do not have to consider these issues because they are bankruptcy-related matters, change the hypothetical to a fraud case filed in federal court based on diversity. The issues would be the same.)

## Scenario 2: Amy Scott

*Note: The facts, filings, and hearings in this scenario take place prior to the passage by Congress and signature by the President of the so-called “Lilly Ledbetter Act,” and we will discuss this scenario on the assumption that that Act is not the law.*

Amy Scott worked at Nabisco as a factory worker and eventually, an assistant manager. After her November 2003 retirement, she filed a suit pro se, asserting, among other things, a sex discrimination claim under Title VII of the Civil Rights Act of 1964. Plaintiff alleges that several supervisors had in the past given her poor evaluations because of her sex; that as a result, her pay had not increased as much as it would have if she had been evaluated fairly; that those past pay decisions affected the amount of her pay throughout her employment; and that by the end of her employment, she was earning significantly less than her male colleagues. The District Court has denied Nabisco’s motion for summary judgment and has allowed her Title VII pay discrimination claim to proceed to trial. Based on the underlying merits of plaintiff’s case, a jury would award back pay and damages.

However, on the eve of trial, the Supreme Court hands down a decision rejecting a worker’s claim of unequal pay under Title VII, finding that the time for filing such a lawsuit begins to run with the original decision on a pay differential and ends 180 days later. The majority rejected the argument that there is a new violation each time a later paycheck is issued. Ledbetter v. Goodyear Tire & Rubber Co., Inc., 127 S. Ct. 2162 (2007).

Nabisco immediately contends that the Scott’s pay discrimination claim was time barred with regard to all pay decisions made before September 26, 2002 -- 180 days before the plaintiff filed her EEOC questionnaire -- and that no discriminatory act relating to her pay occurred after that date, citing Ledbetter, which appears to preclude relief in the plaintiff’s case.

Plaintiff also appears to have a Equal Pay Act claim, which would not be barred by the 180-day time bar, but she has not alleged such a claim.

1. How do you handle the issue of the status of the law in this case?
2. If the Equal Pay Act claim may provide a remedy that was otherwise lost by the Supreme Court decision, but the pro se litigant is not familiar with it, what are your responsibilities as a judge and your ethical constraints?
3. Having resolved these issues, and proceeding to trial, do you have any kind of prehearing conference to go over the case, planned testimony, etc.?
4. Would this be different if the case was being tried with or without a jury? Do you put any additional procedures in place to protect the jury from extraneous information? How do you organize the courtroom physically? How do you manage jury selection with the self-represented litigant? Any changes in your own questions to the jury? To start the case, do you make any kind of preliminary statement to the parties? Do you modify your opening instructions to the jury, if there is one?

The plaintiff gives a brief opening, and the defense objects that it is not based on planned testimony. The plaintiff tries to introduce various pay records, but is confused about the

foundation, and not clear about how they relate to her theory of the case. The plaintiff takes the stand and makes various hearsay statements about management's attitude to her, many of which are admissible with the right foundation. The plaintiff puts her husband on the stand to testify about her emotional state but starts to lead him. The lawyers for the defendant interpose timely, but not always explicit objections. At the end of the plaintiff's case, you are not sure if you understand the theory of the case or what the plaintiff really thought happened.

1. How do you rule on the defendant's objections?
2. What if anything can you/should you/would you do to instruct the plaintiff in how to present her case?
3. Do you ask additional questions?
4. Would you answer differently depending on whether there is a jury?

The core of the defendant's case is a simple assertion by the senior supervisor that the company's procedures were followed and were non-discriminatory. The plaintiff attempts cross examination but fails to structure the questions so that they make sense and their potential relevance is shown. At one point, defense counsel requests that you cut off cross-examination, on the grounds that nothing new is being brought out.

1. What if anything can you/should you/would you do to instruct the plaintiff in how to cross-examine the defendant's witnesses?
  2. How do you rule on the defendant's objections?
  3. Do you ask additional questions?
  4. Would you answer differently depending on whether there is a jury?
- Do these experiences in the trial lead you to any conclusions about how pre-hearing procedures might be structured to ease these problems?

### Scenario 3: Steve Sanders

Plaintiff Steve Sanders, a state prisoner, files a pro se civil rights action pursuant to 42 U.S.C. 1983. The lawsuit alleges that the police used excessive force when they tasered him at least 6 times to subdue him for arrest. After the period for discovery ends, defendants file a motion for summary judgment. You deny defendants' motion on qualified immunity grounds, finding that triable issues of fact exist on the issue of excessive force in arresting plaintiff.

1. How do you structure the trial differently in light of the self-representation status of the plaintiff?
2. How would procedures before and during trial differ if the plaintiff is in custody?

## Bibliography

### Cases

*Pliler v. Ford*, 542 U.S. 225, 231 (2004) (“Explaining the details of federal habeas procedure and calculating statutes of limitations are tasks normally and properly performed by trained counsel as a matter of course. Requiring district courts to advise a *pro se* litigant in such a manner would undermine district judges' role as impartial decisionmakers”).

*Castro v. United States*, 540 U.S. 375, 384 (2003) (requiring that judges explain to *pro se* litigants the significance of judicial recharacterization of motion as one seeking habeas relief, thereby triggering limitations on successive motions)

*McKaskle v. Wiggins*, 465 U.S. 168, 183-84 (1984) (no right to judicial assistance in criminal proceeding)

*Haines v. Kerner*, 404 U.S. 519 (1972) (per curiam) (pleading standard).

*Rand v. Rowland*, 154 F.3d 952 (9<sup>th</sup> Cir. 1998) (fair notice requirement applies before granting summary judgment against prisoner proceeding *pro se*)

*Timms v. Frank*, 932 F.2d 281 (7<sup>th</sup> Cir. 1992) (fair notice requirement applies to both prisoner and non-prisoner litigants)

*Barker v. Norman*, 651 F.2d 1107 (5<sup>th</sup> Cir. 1981) (district court erred in not providing *pro se* litigant opportunity to cure defect in affidavit opposing summary judgment; partial concurrent by Judge Gee addresses *pro se* issue).

### Model Rules and Opinions

ABA Model Code of Judicial Conduct, Canon 2.2 cmt 4.

Judicial Council of California, *Handling Cases Involving Self-Represented Litigants: A Bench Guide for Judicial Officers* (2007)

Minnesota Protocol (reprinted in Albrecht et al, cited below)

Indiana Advisory Opinion 97-1 (non-adversarial proceedings)

Florida Advisory Opinion 93-8 (provision of forms)

N.D. CA Pro Se Litigants' webpage: <http://www.cand.uscourts.gov/proselitigants>

## **Monographs**

Cynthia Gray, *Reaching Out or Overreaching: Judicial Ethics and Self-Represented Litigants* (Am. Jud. Soc. 2005)

## **Articles**

The Hon. Robert Bacharach & Lyn Entzeroth, *Judicial Advocacy in Pro Se Litigation: A Return to Neutrality*, 42 Ind. L. Rev. 19 (2009)

Richard Zorza, *The Access to Justice Transformation*, 49 Judges' Journal (2010)

Richard Zorza, *The Disconnect Between the Requirements of Judicial Neutrality and Those of the Appearance of Neutrality When Parties Appear Pro Se: Causes, Solutions, Recommendations, and Implications*, 17 Geo. J. Legal Ethics 423, 423 (2004)

Rebecca A. Albrecht, John M. Graecen, Bonnie Rose Hough, and Richard Zorza, *Judicial Techniques for Cases Involving Self-Represented Litigants* 42 Judges' Journal (2003)(reprinting Minnesota protocol)

## **Prisoner E-Filing Best Practices**

**I. Have Realistic Expectations.** Ensure that everyone involved understands that although e-filing will provide the court, the Department of Corrections, and prisoners substantial savings in costs and labor, it may increase the workload for individual employees, while decreasing the workload for others. Also, understand that although prisoners will benefit by no longer paying for copies and postage and by quicker communication with the court, they will have concerns about some new policies that come with e-filing.

1. **Mailroom vs. Librarians**
2. **Clerk's Office Scanning Clerks vs. Quality Control Clerks**
3. **Prisoner Concerns**

**II. Involve Key Players Early in the Process.**

1. **Clerk's Office**
  - a. Management
  - b. Operations
  - c. Systems
2. **Attorney General** or Other Corrections Counsel
3. **Department of Corrections**
  - a. General Counsel
  - b. Legal Access Coordinator
  - c. Paralegals
  - d. Prison Librarians/Mailroom Officers
  - e. Prison IT Personnel

**III. Understand Current Internal Prison Procedures Early in the Process.**

1. How are filings processed?
2. What access do prisoners have to the library?
3. What copy, postage, and other costs do prisoners pay?
4. How are documents picked up and delivered to prisoners?

5. How much time do librarians, mailroom, paralegals, and security officers spend on sending and receiving documents?

#### **IV. Determine the Technological Needs of the Prison.**

1. Does it have adequate and dependable **transmission lines**?
2. Does it have a **computer** to send documents and receive NEFs?
3. Does it have a fast and reliable **printer** to print court documents?
4. Does it have fast and reliable **scanner**?
5. Does it have reliable **IT support**?

#### **IV. Limit the Scope of the Pilot Project.**

1. **The Court** – Consider limiting it to one division.
2. **The Prison**
  - a. Start with two or three units in the same complex.
  - b. Involve unit(s) with enough filings to present a good sample size.
  - c. Avoid maximum security units with extra security concerns.
3. **Case Types** – Consider including civil rights, habeas corpus, and any other cases filed with the district court. But explicitly exclude cases filed with other courts. Also exclude death penalty cases and other non-pro se cases.
4. **Correspondence** – Exclude letters and other documents that will not be filed with the court.
5. **Time** – Limit the pilot to one year.

**V. Consider Making Participation by Prisoners Mandatory.** If you do make it mandatory, prepare a deficiency stamp to alert the judge that a document was mailed rather than scanned.

#### **VI. Circulate the Authorizing General Order to all Participating Prisoners.**

#### **VII. Prison Procedures.**

1. Establish separate prison email addresses for receipt of NEFs.

2. Require prisoners to number all pages sequentially.
3. Require prisoners to separate or clearly identify papers intended to be filed as separate documents.

#### **VIII. Court Procedures.**

1. Establish a separate email address for documents sent from the prison.

#### **XI. Prepare a Guide for Prison Librarians.**

1. Court contact names, email addresses, and phone numbers.
2. Appropriate scanner settings for court documents (PDF, dpi, size limits, etc.).
3. A simple file naming convention that clearly identifies the document (case year, case number, case type, document description, and file type: e.g. 13.1234cv.mtn1.pdf, 13.1234cv.mtn2.pdf, or new.case.cmp.pdf).
4. Quality review instructions (the document must be complete and legible before it is sent to the court).
5. The court's email address for receipt of documents to be filed.
6. Receipt of Notice of Electronic Filings (NEFs) instructions (explanation of one free look).
7. Change of address instructions. Explain that if a NEF is received for an inmate who has moved or been released, the NEF should be stamped with the reason for its return and emailed back to the court.

**X. Service of Process.** Consider not excepting service packets from the e-filing program. Although this will shift the burden of printing copies of the service order and complaint for each defendant, it will reduce mailing costs and substantially improve the time it takes to complete service of process in prisoner cases.

1. Request that the U.S. Marshal accept a single sheet USM 285 service of process form, rather than the old carbon copy form.
2. Include instructions and forms for the prisoner with the service order, which will be NEFed to the prisoner. Require the prisoner to complete one USM

285 and one Notice of Lawsuit and Request for Waiver of Service of Summons for each defendant.

3. Have the Clerk print copies of the complaint and order to complete the service packet to be forwarded to the Marshal.

**XI. Require Defendants to Accept NEFs as proper service by the prisoner.** This step will virtually eliminate the need for prisoners and the Department of Corrections to make copies and mail documents.

**XII. Require Defendants to Mail Copies of Their Filings to Prisoners.** The alternative would require the Department of Corrections to print the defendants' documents from NEFs, which effectively shifts the cost and burden from the Attorney General's Office to the Department of Corrections.

**XIII. Require the Prison Librarians to Print all Orders and Other Documents from the Court and Deliver them to the Prisoners.** This shifts some burden to the Department of Corrections, but the burden is relatively light because court documents are generally not large.

**XIV. Conformed Copies.** Because prisoner documents are often large, requiring the Department of Corrections to print conformed copies attached to every NEF can be burdensome. But getting back just the original document and the NEF itself does not assure the prisoner that the entire document was filed. The following steps will help to alleviate those concerns.

1. Require the prisoner to number every page of a document sequentially.
2. Require docket clerks to list in the docket entry the number of pages actually filed with each prisoner document. The number of pages actually filed will then appear on the NEF, which will be copied to the prisoner.

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CLERK US DISTRICT COURT  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

In the matter of:  
  
ELECTRONIC SUBMISSION OF  
PRISONER DOCUMENTS  
PILOT PROJECT  
  
SUPERSEDES GENERAL ORDER 13-19

**GENERAL ORDER 14-08**

The Court and the Arizona Department of Corrections (ADC) have agreed to extend the following pilot project designed to reduce the cost of processing prisoner filings.

1. The Court will provide five digital senders for use in the five units of the ADC Eyman Complex: Cook, Meadows, Rynning, Browning, and SMU I. The Court will retain ownership of the digital senders.
2. Eyman Complex staff will scan to PDF and, after quality review, email to the Court all documents presented by prisoners for filing with the Court. The original documents will be returned to the prisoner. All documents submitted for filing by prisoners in the Eyman Complex must be emailed to the Court in a PDF format.
3. The Court will receive and file the prisoners' documents electronically. After traditional service of the prisoner's complaint or petition and appearance by an opposing party, transmission of the Notice of Electronic Filing (NEF) to opposing parties who are Electronic Case Filing Registered

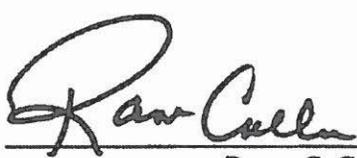
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Users constitutes service of the hyperlinked document for purposes of Rule 5(b)(3) of the Federal Rules of Civil Procedure. The Clerk of Court will mail a copy of the prisoner's electronically filed document to Non-registered Users.

4. The Eyman Complex Units will each establish an email address for receipt of NEFs of documents filed electronically. Staff in these Units will print the NEFs and the hyperlinked orders and other documents filed by the Court. Receipt of copies of the NEFs and hyperlinked documents by the prisoner constitutes service of the document on the prisoner. If the prisoner refuses delivery or is no longer at the designated Unit, Unit staff will indicate the reason for non-delivery on the NEF and email it to the Court.
5. Opposing parties must serve filings on Eyman prisoners by means other than electronic filing as provided in Rule 5.5(h) of the Local Rules of Civil Procedure and Rule 5 of the Federal Rules of Civil Procedure. Eyman staff will not provide to prisoners NEFs or the hyperlinked documents filed by opposing parties.
6. The Court or ADC may terminate the pilot project at any time. Before July 15, 2014, the Court and ADC will evaluate the pilot project and determine whether it should be continued, terminated, modified, or expanded.

This General Order supersedes General Order 13-19.

DATED *nunc pro tunc* January 16, 2014.

  
\_\_\_\_\_  
Raner C. Collins  
Chief United States District Judge

# U.S. DISTRICT COURT DISTRICT OF ARIZONA



## PRISONER ELECTRONIC FILING

For questions please call:  
Cindy Duca at (602) 322-7224

(Oct. 2013)

Welcome to ECF, the electronic case filing system used in U.S. District Court, for the District of Arizona.

This guide will direct you through the steps for submitting inmate documents to the court for electronic filing.

## **RECEIVING DOCUMENTS FROM THE INMATE FOR SCANNING**

The inmate will submit the Request/Authorization for Electronic Filing (attached) with the documents to be scanned.

The documents should be reviewed for the following:

1. Is the document captioned for U.S. District Court? Documents captioned for other courts such as Superior Court, the Ninth Circuit Court of Appeals, the Supreme Court, etc. should be mailed to the appropriate court.
2. Documents which are not captioned with the name of the court, the case number and a document title are most likely letters to the judge or the clerk. This correspondence should be mailed to the Clerk's Office.
3. Documents must include the complete case number in the following format: CV-13-0000-PHX or CV-13-0000-TUC.
4. Documents must be dark enough to be legible after scanning. Inmates have been asked to use a dark ink pen or write a dark as possible with a pencil. Light carbon copy forms must be darkened for scanning.
5. Multiple documents must be clearly separated before submission to you for scanning. They must be scanned and e-mailed to the court as separate documents.
6. Each page of every document must be clearly numbered in the correct order.
7. Two-sided documents should not be submitted for scanning.
8. Copies of case law or prison policies should not be submitted for scanning with the document to be filed.

If the inmate submits documents in violation of any of the above guidelines, ask if they wish to make the corrections to avoid delays in processing. If they do not, scan and e-mail the documents to the court.

Staff will sign and date the Request/Authorization for Electronic Filing form and a copy is given to the inmate as a receipt.

Enter the document to the Federal Court E-Filing Log (attached).

The original documents are kept and scanned later that day, when the library is not open for general inmate traffic. If the document cannot be scanned and e-mailed later the same day, it will be processed the next morning.

## **SCANNING DOCUMENTS TO BE E-MAILED TO THE COURT**

When scanning documents it is important that all pages are included and are legible. Poor quality copies such as carbon copy forms or paper that have been folded or torn may need to be copied on the copy machine before scanning.

Place the document on the scanner and e-mail it to yourself for review. Check the scanned image to ensure all pages are included and are legible.

If the document is not complete or legible, **delete** and re-scan it. **DO NOT E-MAIL DOCUMENTS TO THE COURT UNTIL THEY ARE COMPLETE AND LEGIBLE.**

If you have tried to scan a legible image but it is not possible and the inmate insists on filing the document, please include a message in the e-mail so that the clerk does not question it.

If you have noticed any other problem such as missing pages or pages out of order and the inmate insists on filing the document, please include a message in the e-mail so that the clerk does not question it.

If you have a very large document that must be scanned in multiple pdf files, it is important to e-mail them to the Clerk's Office together in e-mails labeled 1 of 3, 2 of 3 and 3 of 3, etc. It is also helpful to separate large documents into the same number of pages. For instance, a 200 page document could be scanned as four pdfs consisting of 50 pages each.

Once the document is complete and legible, e-mail it to the court at [prisoner@azd.uscourts.gov](mailto:prisoner@azd.uscourts.gov)

## **DOCUMENTS RECEIVED BY THE COURT**

The Clerk's Office monitors the e-mail box throughout the day and prepares the document for electronic filing. You will hear back from the Clerk for every submission, usually within 24 hours.

If the document is ready for filing, the Clerk will forward it to our docketing department for electronic filing.

If a document will not be electronically filed, the Clerk will respond to your e-mail with an explanation. This is most often in response to a document that is considered correspondence. These types of documents should not be submitted to you for scanning but, if they are received, the Clerk will respond to the inmate by U.S. Mail and you will be notified that electronic confirmation for that document will not be sent.

## **QUESTIONS FROM THE COURT**

Each document e-mailed will be reviewed by the Clerk's Office before being forwarded to the docketing department for electronic filing. Occasionally there will be a question regarding number of pages, attachments or legibility. The clerk will reply to your e-mail to ask the question. Please respond as soon as possible to avoid filing delays.

## RECEIVING ELECTRONIC CONFIRMATION FROM THE COURT

When a document has been electronically filed, you will receive a Notice of Electronic Filing (NEF) which you will attach to the inmate's original document and return to them.

The NEF will include the total number of pages filed. This will assist the inmate in determining if the court received the complete document.

**IMPORTANT:** You will receive one "free" look of the document. You must only **single-click** the hyperlink, double-clicking will lose the free look at the document.

1. The NEF cover page is printed and copied.
2. Click on the document number to view the document.

If the document is from defense counsel, it is not printed as it will be mailed to the inmate.

If the document is from the court (orders, judgments, notices, instruction sheets, etc.) it will be printed, including **all** attachments, and delivered to the inmate.

3. When the inmate picks up the NEF he is required to sign and date the copy as proof that he has received the NEF and his original documents. The signed NEF is kept on file.
4. Enter the document to the Federal Court E-Filing Log (attached).
5. The NEF will remain in the e-mail box until it is automatically deleted by the system.

### NEF RECEIVED FOR AN INMATE WHO HAS BEEN MOVED

If an inmate is no longer in your unit, forward the NEF with the inmate's new location to prisoner@azd.uscourts.gov. If you do not have the inmate's new location, simply state that the inmate is no longer in \_\_\_\_\_ Unit. The clerk will remove your unit e-mail address from that inmate's case record so that you do not receive future NEFs.



ARIZONA DEPARTMENT OF CORRECTIONS

Request/Authorization for Electronic Filing

Please PRINT information in all areas clearly. Use a PEN and PRESS FIRMLY.

Inmate Name (Last, First M.I.)	ADC Number
Institution / Unit	Date

List each document separately

No.	Document Name	Number of Pages
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To be completed by the inmate

E-FILE

Designated Staff

Designated Staff Name (Last, First M.I.)	Designated Staff Signature	Date Received	Date Forwarded	Time Forwarded
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Under District Court General Order 13-11 and Director's Instruction #313 you are required to participate in the Prisoner Electronic Filing Program. In order to avoid delays in the processing of your documents, please follow the below guidelines:

- 1 Only documents intended for filing in your U.S. District Court case should be submitted to the librarian for scanning.
- 2 Documents intended for courts other than the U.S. District Court must not be submitted to the librarian for scanning. These documents must be mailed to the appropriate court.
- 3 Correspondence should be mailed directly to the court.
- 4 **YOU MUST INCLUDE** your complete case number on your documents in the following format:  
CV-13-0000-PHX or CV-13-0000-TUC
- 5 **DOCUMENTS MUST BE DARK ENOUGH** to be legible after the scanning process. If possible, use a dark ink pen. If an ink pen is not available, write as dark as possible with a pencil. Darken all areas of carbon copy forms that may not be legible. You must advise librarian if the document is duplexed (two-sided).
- 6 If you are submitting multiple documents, they must be given to the librarian as separate documents.
- 7 **EACH PAGE OF EVERY DOCUMENT** must be clearly numbered in the order you wish to have them scanned. Begin page numbers anew with each separate document.
- 8 The notice of electronic filing (NEF) will include the number of pages filed.
- 9 Do not submit two-sided documents.
- 10 Do not submit copies of case law or prison policies. The court has access to them so you only need to cite them.



### **Development of Prisoner Filing by Email Program**

This Memorandum of Understanding between the CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION ("CDCR") 1515 S. Street, 351-N Sacramento, CA 95814, and the UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, ("COURT") 312 North Spring Street, Los Angeles, California, 90012, is entered into this 10th day of June, 2013.

The parties hereto agree as follows:

#### **I. Purpose and Scope**

The purpose of this Memorandum of Understanding (MOU) is to memorialize the agreement between the COURT and the CDCR (the parties) concerning the COURT's Pilot Prisoner Filing by Email Project (pilot project). This pilot project is intended to establish an electronic process for transmission of prisoner civil rights complaints brought under 42 U.S.C. § 1983, in lieu of manual United States Postage Service filings. The pilot project will launch in California State Prison, Los Angeles County (CSP-LAC) during the pilot period specified herein as "Term of Agreement." Although the pilot project will initially be limited to the CDCR staff-assisted filing of complaints by e-mail by prisoners, it may be expanded by mutual agreement of the parties at a later date.

#### **II. Term of Agreement**

The term of this MOU is for 90 days, commencing on July 1, 2013. This MOU shall remain in effect until amended in writing by both parties or terminated as provided hereafter.

#### **III. COURT Responsibilities**

The COURT will provide the necessary equipment, consisting of a high-end scanner for use by CDCR, presently contemplated to be a Hewlett-Packard 9250C Digital Sender (scanner), or its equivalent. The COURT will hold and administer an equipment warranty product throughout the ownership transfer period. Eventually, and depending on the success and continuation of the program, the COURT will transfer ownership of the scanning equipment and related software, including all applicable warranties, to CDCR.

In cooperation with, and upon final approval by CDCR, the COURT will arrange and provide on-site training to CSP-LAC staff regarding the scanner use, naming convention, notification receipts and delivery verification.

The COURT will provide one self-inking stamp initially to the single pilot institution selected by CDCR, currently contemplated to be CSP-LAC, to be used by its designated staff to stamp each prisoner pleading before scanning. The stamp will signify that the document was scanned and e-mailed to the COURT and will identify the date and time the document was sent and the number of pages scanned. All documents evincing this stamp shall be deemed received as of the date the document was scanned to the COURT.

The COURT will establish a dedicated email box to facilitate e-filing of inmate plaintiffs' scanned documents.

The COURT will determine a method by which designated CDCR staff can be included as a noticed party for the sole purpose of receiving verification of documents that they scan on behalf of inmate plaintiffs under the pilot program.

The COURT will facilitate the set-up of a free PACER account for CDCR to enable its designated staff to check the status of previously scanned documents and to print all necessary copies of same.

Primary Contacts for the COURT are as follows:

Rhonda Marshall (status of scanned documents)	(213) 894-2127
Cristina Squieri (scanner questions/problems)	(213) 894-1927
Rosa Morales (legal questions)	(213) 894-4446
Sharon McGee-Traylor (all other questions)	(213) 894-1475

#### **IV. CDCR Responsibilities**

CDCR will designate appropriate staff to receive and scan prisoner civil rights complaints. CDCR will make designated staff available for training upon reasonable notice.

CDCR will implement a procedure for collection of documents from inmate plaintiffs. This procedure may include a drop box or dispatch form which contemplates limited access of ADSEG inmates. The appropriate CSP-LAC staff shall keep a record in the form of a log of each complaint and associated documents scanned and emailed to the COURT, and shall require each individual filing inmate to sign the log relating to his or her filing.

CSP-LAC staff will scan and email documents to the COURT within 24 hours of receipt. After the document is scanned, the original will be returned to the prisoner in a timely manner.

Primary Contacts for CDCR:

Devin Holmes	(916) 358-2998
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#### **V. Reporting Requirements**

CDCR shall cooperate fully in providing all raw data deemed to be essential to maintaining the success of the program as well as any problems or failures discovered during the pilot project and shall include project target outputs and outcomes. Any reports generated by the collection of these data shall be shared solely between the parties and shall not be forwarded to any other person or entity except by mutual agreement of the COURT and CDCR.

#### **VI. Termination**

The COURT or CDCR may terminate the pilot project at any time. Before, September 30, 2013, the COURT and CDCR will evaluate the pilot project and determine whether it should be continued, terminated, modified, or expanded.

Executed on this 10th day of June, 2013.

FOR THE COURT:

Authorized Official: Terry Nafisi  
Name and Title: Terry Nafisi, Clerk of Court and District Court Executive  
Address: 312 N. Spring Street, Room G-8, Los Angeles, CA 90012-4701  
Telephone(s): (213) 894-4445  
E-Mail Address: Terry.Nafisi@cacd.uscourts.gov

FOR THE CDCR:

Authorized Official: Deborah Chu  
Name and Title: Deborah Chu, DPM II -- EIS IT Acquisitions Unit  
Address: 1900 Birkmont Drive, Rancho Cordova, CA 95742  
Telephone(s): (916) 358-2181  
E-Mail Address: Deborah.Chu@cdcr.ca.gov



1. **Contract Disputes with Public Entities** (Supersedes number 41, Disputes of Exhibit C, GSPD-401IT)

As a condition precedent to Contractor's right to institute and pursue litigation or other legally available dispute resolution process, if any, Contractor agrees that all disputes and/or claims of Contractor arising under or related to the Agreement shall be resolved pursuant to the following processes. Contractor's failure to comply with said dispute resolution procedures shall constitute a failure to exhaust administrative remedies.

Pending the final resolution of any such disputes and/or claims, Contractor agrees to diligently proceed with the performance of the Agreement, including the delivering of goods or providing of services. Contractor's failure to diligently proceed shall constitute a material breach of the Agreement.

The Agreement shall be interpreted, administered, and enforced according to the laws of the State of California. The parties agree that any suit brought hereunder shall have venue in Sacramento, California, the parties hereby waiving any claim or defense that such venue is not convenient or proper.

A county, city, district or other local public body, state board or state commission, another state or federal agency, or joint-powers authority shall resolve a dispute with CDCR, if any, through a meeting of representatives from the entities affected. If the dispute cannot be resolved to the satisfaction of the parties, each entity may thereafter pursue its right to institute litigation or other dispute resolution process, if any, available under the laws of the State of California.

2. **Right to Terminate** (Supersedes numbers 22 & 23, Termination for the Convenience of the State and for Default of Exhibit C, GSPD-401IT)

The parties hereto agree that either party may cancel this Agreement by giving the other party written notice thirty (30) days in advance of the effective date of such cancellation. In the event of such termination, the State agrees to pay Contractor for actual services rendered up to and including the date of termination.

The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.

3. **Extension of Term**

If it is determined to be in the best interest of the State this Agreement may be amended to extend the term. Upon signing the amendment, the Contractor hereby agrees to provide services for the extended period at the rates specified in the original Agreement.

**4. Accounting Principles**

The Contractor will adhere to generally accepted accounting principles as outlined by the American Institute of Certified Public Accountants. Dual compensation is not allowed; a contractor cannot receive simultaneous compensation from two or more funding sources for the same services performed even though both funding sources could benefit.

**5. Subcontracting**

Services provided are to be performed primarily with the staff of the public entity or, in the case of educational institutions, auxiliaries or foundations, by the faculty, staff or students associated with the particular institution. Agreements are not to be used by state agencies to circumvent the competitive bidding requirements of Public Contract Code Section 10340.

If more than twenty-five (25) percent of the total contract amount or \$50,000.00, whichever is less, is subcontracted, non-competitive bid approval must be obtained from the Secretary of CDCR and the Department of General Services prior to the commencement of services, unless the subcontract was competitively bid or the subcontractor(s) also qualifies as a state agency, governmental agency, or joint power.

**6. Subcontractor/Consultant Information**

Contractor is required to identify all subcontractors and consultants who will perform labor or render services in the performance of this Agreement. Additionally, the Contractor shall notify the CDCR, IT Acquisitions Unit, in writing, within ten (10) working days, of any changes to the subcontractor and/or consultant information.

**7. Employment of Ex-Offenders**

Contractor cannot and will not either directly, or on a subcontract basis, employ in connection with this Agreement:

- a. Ex-Offenders on active parole or probation, who have been on active parole or probation during the last three years preceding their employment;
- b. Ex-offenders convicted of drug trafficking in a prison/jail; escape or aiding/abetting escape; battery on a Peace Officer or Public Official; arson offenses; or, any violations of Penal Code Sections 4570-4574 (unauthorized Communications with Prisons and Prisoners Offenses).
- c. Ex-Offenders required to register as a sex offender pursuant to Penal Code Section 290 or if such ex-offender has an offense history involving a "violent felony" as defined in subparagraph (c) of Penal Code Section 667.5; or
- d. Any ex-offender in a position which provides direct supervision of parolees, except in the following instances:

Contractor shall only employ ex-offenders who can provide written evidence of having satisfactorily completed parole or probation, and who have remained off parole or probation, and have had no arrests or convictions within the past three years.



making process relevant to the Agreement while employed in any capacity by any state agency.

- (2) For the twelve-month (12-month) period from the date he or she left state employment, no former state officer or employee may enter into an Agreement with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed Agreement within the 12-month period prior to his or her leaving state service.

In addition to the above, the Contractor shall avoid any conflict of interest whatsoever with respect to any financial dealings, employment services, or opportunities offered to inmates or parolees. The Contractor shall not itself employ or offer to employ inmates or parolees either directly or indirectly through an affiliated company, person or business unless specifically authorized in writing by CDCR. In addition, the Contractor shall not (either directly, or indirectly through an affiliated company, person or business) engage in financial dealings with inmates or parolees, except to the extent that such financial dealings create no actual or potential conflict of interest, are available on the same terms to the general public, and have been approved in advance in writing by CDCR. For the purposes of this paragraph, "affiliated company, person or business" means any company, business, corporation, nonprofit corporation, partnership, limited partnership, sole proprietorship, or other person or business entity of any kind which has any ownership or control interest whatsoever in the Contractor, or which is wholly or partially owned (more than 5% ownership) or controlled (any percentage) by the Contractor or by the Contractor's owners, officers, principals, directors and/or shareholders, either directly or indirectly. "Affiliated companies, persons or businesses" include, but are not limited to, subsidiary, parent, or sister companies or corporations, and any company, corporation, nonprofit corporation, partnership, limited partnership, sole proprietorship, or other person or business entity of any kind that is wholly or partially owned or controlled, either directly or indirectly, by the Contractor or by the Contractor's owners, officers, principals, directors and/or shareholders.

The Contractor shall have a continuing duty to disclose to the State, in writing, all interests and activities that create an actual or potential conflict of interest in performance of the Agreement.

The Contractor shall have a continuing duty to keep the State timely and fully apprised in writing of any material changes in the Contractor's business structure and/or status. This includes any changes in business form, such as a change from sole proprietorship or partnership into a corporation or vice-versa; any changes in company ownership; any dissolution of the business; any change of the name of the business; any filing in bankruptcy; any revocation of corporate status by the Secretary of State; and any other material changes in the Contractor's business status or structure that could affect the performance of the Contractor's duties under the Agreement.

If the Contractor violates any provision of the above paragraphs, such action by the Contractor shall render this Agreement void.

Members of boards and commissions are exempt from this section if they do not receive payment other than payment for each meeting of the board or commission, payment for preparatory time and payment for per diem.

#### 9. Disclosure

Neither the State nor any State employee will be liable to the Contractor or its staff for injuries inflicted by inmates or parolees of the State. The State agrees to disclose to the Contractor any

statement(s) known made by any inmate or parolee which indicate violence may result in any specific situation, and the same responsibility will be shared by the Contractor in disclosing such statement(s) to the State.

**10. Security Clearance/Fingerprinting**

The State reserves the right to conduct fingerprinting and/or security clearance—through the Department of Justice, Bureau of Criminal Identification and Information (BCII)—prior to award and at any time during the term of the Agreement, in order to permit Contractor (and/or Contractor employee) access to State premises. The State further reserves the right to terminate the Agreement should a threat to security be determined.

**11. Notification of Personnel Changes**

Contractor must notify the State, in writing, of any changes of those personnel allowed access to State premises for the purpose of providing services under this Agreement. In addition, Contractor must recover and return any State-issued identification card provided to Contractor's employee(s) upon their departure or termination.

**12. Contractor Employee Misconduct**

During the performance of this Agreement, it shall be the responsibility of the Contractor whenever there is an incident of use of force or allegation(s) of employee misconduct associated with and directly impacting inmate and/or parolee rights, to immediately notify the CDCR of the incident(s), to cause an investigation to be conducted, and to provide CDCR with all relevant information pertaining to the incident(s). All relevant information includes, but is not limited to: a) investigative reports; b) access to inmates/parolees and the associated staff; c) access to employee personnel records; d) that information reasonably necessary to assure CDCR that inmates and/or parolees are not or have not been deprived of any legal rights as required by law, regulation, policy and procedures; and e) written evidence that the Contractor has taken such remedial action, in the event of unnecessary or excessive force, or employee misconduct with inmates and/or parolees, as will assure against a repetition of incident(s) or retaliation. To the extent that the information provided by the Contractor fails to so assure CDCR, CDCR may require that any implicated Contractor staff be denied access to and the supervision of CDCR inmates and/or parolees at the facility and access to inmate and/or parolee records. Notwithstanding the foregoing, and without waiving any obligation of the Contractor, CDCR retains the power to conduct an independent investigation of any incident(s). Furthermore, it is the responsibility of the Contractor to include the foregoing terms within any and all subcontracts, requiring that subcontractor(s) agree to the jurisdiction of CDCR to conduct an investigation of their facility and staff, including review of subcontractor employee personnel records, as a condition of the Agreement.

**13. Insurance Requirements** (Supersedes number 20, Insurance, of GSPD-401IT)

Insurance as required herein shall be a condition of the State's obligation to pay for services provided under this Agreement. Prior to approval of this Agreement and before performing any work, Contractor and any subcontractor shall furnish to the State evidence of valid coverage. The following shall be considered evidence of coverage: A certificate of insurance, a "true and certified" copy of the policy, or any other proof of coverage issued by Contractor's insurance carrier. Binders are not acceptable as evidence of coverage. Providing evidence of coverage to the State conveys no rights or privileges to the State, nor does it insure any State employee or

insure any premises owned, leased, used by or otherwise or under the control of the State. It does, however, serve to provide the State with proof that the Contractor and any subcontractors are insured at the minimum levels required by the State of California.

Contractor agrees that any liability insurance required in the performance of this Agreement shall be in effect at all times during the term of this Agreement. In the event said insurance coverage expires or is canceled during the term of this Agreement, Contractor's insurance provider must agree to give at least thirty (30) days prior notice to the State before said expiration date or notice of cancellation. Evidence of coverage required in the performance of this Agreement shall not be for less than the remainder of the term of this Agreement or for a period of not less than one year. The State and the Department of General Services (DGS) reserve the right to verify the Contractor's evidence of coverage; evidence of coverage is subject to the approval of the DGS. In the event the Contractor fails to keep insurance coverage as required herein in effect at all times, the State reserves the right to terminate this Agreement and to seek any other remedies afforded by the laws of the State of California.

Contractor hereby represents and warrants they (and any subcontractors) are currently and shall for the duration of this Agreement be insured. Contractor shall provide proof of self-insurance against:

Commercial General Liability - \$1,000,000 per occurrence for bodily injury and property damage liability combined.

#### **14. Workers' Compensation**

Contractor hereby represents and warrants that Contractor is currently and shall, for the duration of this agreement, carry workers' compensation insurance, at Contractor's expense, or that it is self-insured through a policy acceptable to CDCR, for all of its employees who will be engaged in the performance of this agreement. Such coverage will be a condition of CDCR's obligation to pay for services provided under this agreement.

Prior to approval of this agreement and before performing any work, Contractor shall furnish to the State evidence of valid workers' compensation coverage. Contractor agrees that the workers' compensation insurance shall be in effect at all times during the term of this agreement. In the event said insurance coverage expires or is canceled at any time during the term of this agreement, Contractor agrees to give at least thirty (30) days prior notice to CDCR before said expiration date or immediate notice of cancellation. Evidence of coverage shall not be for less than the remainder of the term of the agreement or for a period of not less than one year. The State reserves the right to verify the Contractor's evidence of coverage. In the event the Contractor fails to keep workers' compensation insurance coverage in effect at all times, the State reserves the right to terminate this agreement and seek any other remedies afforded by the laws of this State.

Contractor also agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all of Contractor's workers' compensation claims and losses by Contractor's officers, agents and employees related to the performance of this agreement.

#### **15. Contract Violations**

The Contractor acknowledges that any violation of Chapter 2, or any other chaptered provision of the Public Contract Code (PCC), is subject to the remedies and penalties contained in PCC Sections 10420 through 10425.

*The following provisions apply to services provided on departmental and/or institution grounds:*

**16. Blood borne Pathogens**

Provider shall adhere to California Division of Occupational Safety and Health (CAL-OSHA) regulations and guidelines pertaining to blood borne pathogens.

**17. Tuberculosis (TB) Testing**

In the event that the services required under this Agreement will be performed within a CDCR institution/parole office/community-based program, prior to the performance of contracted duties, Contractors and their employees who are assigned to work with inmates/parolees on a regular basis shall be required to be examined or tested or medically evaluated for TB in an infectious or contagious stage, and at least once a year thereafter or more often as directed by CDCR. Regular basis is defined as having contact with inmates/parolees in confined quarters more than once a week.

Contractors and their employees shall be required to furnish to CDCR, at no cost to CDCR, a form CDCR 7336, "Employee Tuberculin Skin Test (TST) and Evaluation," prior to assuming their contracted duties and annually thereafter, showing that the Contractor and their employees have been examined and found free of TB in an infectious stage. The form CDCR 7336 will be provided by CDCR upon Contractor's request.

**18. Primary Laws, Rules, and Regulations Regarding Conduct and Association with State Prison Inmates and Division of Juvenile Justice Wards**

Individuals who are not employees of the California Department of Corrections and Rehabilitation (CDCR), but who are working in and around inmates who are incarcerated, or wards who are housed within California's institutions/facilities or camps, are to be apprised of the laws, rules and regulations governing conduct in associating with prison inmates or wards. The following is a summation of pertinent information when non-departmental employees come in contact with prison inmates or wards.

By signing this contract, the Contractor agrees that if the provisions of the contract require the Contractor to enter an institution/facility or camp, the Contractor and any employee(s) and/or subcontractor(s) shall be made aware of and shall abide by the following laws, rules and regulations governing conduct in associating with prison inmates or wards:

- a. Persons who are not employed by CDCR, but are engaged in work at any institution/facility or camp must observe and abide by all laws, rules and regulations governing the conduct of their behavior in associating with prison inmates or wards. Failure to comply with these guidelines may lead to expulsion from CDCR institutions/facilities or camps.

SOURCE: California Penal Code (PC) Sections 5054 and 5058; California Code of Regulations (CCR), Title 15, Sections 3285 and 3415, and California Welfare and Institutions Code (WIC) Section 1712.

- b. CDCR does not recognize hostages for bargaining purposes. CDCR has a "NO HOSTAGE" policy and all prison inmates, wards, visitors, and employees shall be made aware of this.

SOURCE:      PC Sections 5054 and 5058; CCR, Title 15, Section 3304 and 4603; WIC Section 1712.

- c. All persons entering onto institution/facility or camp grounds consent to search of their person, property or vehicle at any time. Refusal by individuals to submit to a search of their person, property, or vehicle may be cause for denial of access to the premises.

SOURCE:      PC Sections 2601, 5054 and 5058; CCR, Title 15, Sections 3173, 3177, 3288, 4696, and 4697; WIC 1712.

- d. Persons normally permitted to enter an institution/facility or camp may be barred, for cause, by the CDCR Director, Warden, and/or Regional Parole Administrator.

SOURCE:      PC Sections 5054 and 5058; CCR, Title 15, Section 3176 (a) and 4696; WIC Section 1712.

- e. It is illegal for an individual who has been previously convicted of a felony offense to enter into CDCR adult institutions/facilities or camps, or youth institutions/facilities or camps in the nighttime, without the prior approval of the Warden or officer in charge. It is also illegal for an individual to enter onto these premises for unauthorized purposes or to refuse to leave said premises when requested to do so. Failure to comply with this provision could lead to prosecution.

SOURCE:      PC Sections 602, 4570.5 and 4571; CCR, Title 15, Sections 3173 and 3289; WIC Section 1001.7.

- f. Encouraging and/or assisting prison inmates to escape, is a crime. It is illegal to bring firearms, deadly weapons, explosives, tear gas, drugs or drug paraphernalia on CDCR institutions/facilities or camp premises. It is illegal to give prison inmates or wards firearms, explosives, alcoholic beverages, narcotics, or any drug or drug paraphernalia, including cocaine or marijuana. It is illegal to give wards sex oriented objects or devices, and written materials and pictures whose sale is prohibited to minors.

SOURCE:      PC Sections 2772, 2790, 4533, 4535, 4550, 4573, 4573.5, 4573.6 and 4574; WIC Section 1152, CRR, Title 15, sections 4681 and 4710; WIC Section 1001.5.

- g. It is illegal to give or take letters from inmates or wards without the authorization of the Warden or officer in charge. It is also illegal to give or receive any type of gift and/or gratuities from prison inmates or wards.

SOURCE:      PC Sections 2540, 2541 and 4570; CCR, Title 15, Sections 3010, 3399, 3401, 3424, 3425 and 4045; WIC Section 1712.

- h. In an emergency situation the visiting program and other program activities may be suspended.

SOURCE:      PC Section 2601; CCR, Title 15, Section 3383, 4002.5 and 4696.



- b. Any State- and Contractor-owned equipment used by the Contractor for the provision of contract services, shall be rendered temporarily inoperative by the Contractor when not in use, by locking or other means unless specified otherwise.
- c. In order to maintain institution safety and security, periodic fire prevention inspections and site searches may become necessary and Contractor must furnish keys to institutional authorities to access all locked areas on the worksite. The State shall in no way be responsible for Contractor's loss due to fire.
- d. Due to security procedures, the Contractor, Contractor's employees and subcontractors may be delayed at the institution vehicle/pedestrian gates and sally ports. Any loss of time checking in and out of the institution gates and sally ports shall be borne by the Contractor.
- e. Contractor, Contractor's employees and subcontractors shall observe all security rules and regulations and comply with all instructions given by institutional authorities.
- f. Electronic and communicative devices such as pagers, cell phones and cameras/microcameras are not permitted on institution grounds.
- g. Contractor, Contractor's employees and subcontractors shall not cause undue interference with the operations of the institution.
- h. No picketing is allowed on State property.

**23. Gate Clearance**

Contractor and Contractor's employee(s) and/or subcontractor(s) must be cleared prior to providing services. The Contractor will be required to complete a Request for Gate Clearance for all persons entering the facility a minimum of ten (10) working days prior to commencement of service. The Request for Gate Clearance must include the person's name, social security number, valid state driver's license number or state identification card number and date of birth. Information shall be submitted to the Contract Liaison or his/her designee. CDCR uses the Request for Gate Clearance to run a California Law Enforcement Telecommunications System (CLETS) check. The check will include Department of Motor Vehicles check, Wants and Warrants check, and Criminal History check.

Gate clearance may be denied for the following reasons: Individual's presence in the institution presents a serious threat to security, individual has been charged with a serious crime committed on institution property, inadequate information is available to establish positive identity of prospective individual, and/or individual has deliberately falsified his/her identity.

All persons entering the facilities must have a valid state driver's license or photo identification card on their person.

**FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING DATED  
JUNE 10, 2013 BY AND BETWEEN THE CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION AND THE UNITED STATES DISTRICT  
COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA**

This first Amendment is entered into this 21st day of June 2013, by and between the California Department of Corrections and Rehabilitation (CDCR) and the United States District Court for the Central District of California (COURT) and in recognition of the following:

WHEREAS, the parties hereto have previously entered into a Memorandum of Understanding (MOU), dated June 10, 2013, concerning the COURT's Pilot Prisoner Filing by Email Project (pilot project); and

WHEREAS, certain matters not contemplated by the parties at the time of first contracting have arisen, and the parties wish to memorialize their agreement to those matters herein,

NOW THEREFORE, the parties do enter into and make this FIRST AMENDMENT to the prior MOU and agree as follows:

I. Section III, Paragraph 1 is hereby amended to read:

The COURT owns and will provide the necessary equipment, consisting of a high-end scanner for use by CDCR, presently contemplated to be a Hewlett-Packard 9250C Digital Sender (scanner), or its equivalent. The COURT will hold and administer an equipment warranty product throughout the term of this agreement. For the term of this agreement, the COURT will be responsible for all maintenance, repairs, transports and/or replacement of the equipment. Removal of the equipment by the COURT prior to the end of the term of this MOU shall terminate the pilot project. CDCR may elect, but shall be under no obligation to purchase its own equipment to continue the pilot project.

II. Section VI, Paragraph 1 is hereby amended to read:

The COURT or CDCR may terminate the pilot project at any time. Before September 30, 2013, the COURT and CDCR will evaluate the pilot project and determine whether it should be continued, terminated, modified, or expanded.

Upon cancellation or termination of this MOU, the COURT retains ownership of the necessary equipment and CDCR shall return the scanning equipment and related software to the COURT.

III. All other terms and conditions not amended herein remain in full force and effect.

Executed on this 21<sup>st</sup> day of June, 2013,

**FOR THE COURT:**

Authorized Official: Terry Nafisi  
Name and Title: Terry Nafisi, Clerk of Court and District Court Executive  
Address: 312 N. Spring Street, Room G-8, Los Angeles, CA 90012-4701  
Telephone(s): (213) 894-4445  
E-Mail Address: Terry.Nafisi@cacd.uscourts.gov

**FOR THE CDCR:**

Authorized Official: Deborah Chu  
Name and Title: Deborah Chu, DPM II - EIS IT Acquisitions Unit  
Address: 1900 Birkmont Drive, Rancho Cordova, CA 95742  
Telephone(s): (916) 358-2181  
E-Mail Address: Deborah.Chu@cdcr.ca.gov

**SIXTH AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING DATED  
JUNE 10, 2013 BY AND BETWEEN THE CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION AND THE UNITED STATES DISTRICT  
COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA**

This Sixth Amendment is entered into this 30th day of September 2014, by and between the California Department of Corrections and Rehabilitation (CDCR) and the United States District Court for the Central District of California (COURT) and in recognition of the following:

WHEREAS, the parties hereto have previously entered into a Memorandum of Understanding (MOU), dated June 10, 2013, a First Amendment to the MOU, dated June 21, 2013, a Second Amendment dated September 19, 2013, a Third Amendment dated February 6, 2014, a Fourth Amendment dated April 2, 2014, and a Fifth Amendment dated June 20, 2014, concerning the COURT's Pilot Prisoner Filing by Email Project (pilot project); and,

WHEREAS, additional operational and technical matters not contemplated by the parties at the time of first contracting have arisen and have hampered the operation of the pilot project; and,

WHEREAS, the parties wish to memorialize their agreement to further extend the term of this MOU in order to allow for sufficient time to modify and evaluate the pilot project,

NOW THEREFORE, the parties do enter into and make this Sixth Amendment to the prior MOU and agree as follows:

I. Section II is hereby amended to read:

The term of this MOU expires on December 30, 2014. This MOU shall remain in effect until amended in writing by both parties or terminated as provided hereafter.

II. Section VI, Paragraph 1 is hereby amended to read:

Before December 30, 2014 the COURT and CDCR will evaluate the pilot project and determine whether it should be continued, terminated, modified, or expanded.

III. All other terms and conditions not amended herein remain in full force and effect.

United States District Court for the Central District of California  
California Department of Corrections And Rehabilitation  
MEMORANDUM OF UNDERSTANDING

Agreement Number 5600003900  
Amendment 6  
Exhibit

Executed on this 30th day of September, 2014

FOR THE COURT:

Authorized Official:   
Name and Title: Terry Nafisi, Clerk of Court and District Court Executive  
Address: 312 N. Spring Street, Room G-8, Los Angeles, CA 90012-4701  
Telephone(s): (213) 894-4445  
E-Mail Address: Terry.Nafisi@cacd.uscourts.gov

FOR THE CDCR:

Authorized Official:   
Name and Title: Deborah Chu, DPM II - EIS IT Acquisitions Unit  
Address: 1900 Birkmont Drive, Rancho Cordova, CA 95742  
Telephone(s): (916) 358-2181  
E-Mail Address: Deborah.Chu@cdcr.ca.gov

***E-SERVICE PROGRAM  
MATERIALS***



**For the  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
(FRESNO DIVISION)**

# **STANDING ORDER**

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6  
7 **UNITED STATES DISTRICT COURT**  
8 **EASTERN DISTRICT OF CALIFORNIA**  
9

10 **IN RE: PROCEDURAL RULES FOR                   STANDING ORDER**  
11 **ELECTRONIC SUBMISSION OF**  
12 **PRISONER LITIGATION FILED BY**  
13 **PLAINTIFFS INCARCERATED AT**  
14 **CORCORAN and PLEASANT VALLEY**  
15 **STATE PRISONS**

16       This Standing Order for the United States District Court for the Eastern District of  
17 California, Fresno Division, describes a pilot program in which the Court and the California  
18 Department of Corrections and Rehabilitation (CDCR) have agreed to participate in a program  
19 whereby initial pleadings submitted by prisoners in civil rights cases involving conditions of  
20 confinement claims are electronically filed. As part of this pilot program, CDCR agrees to  
collaborate with the Court to include the following prison facility or facilities in the pilot  
program: **Corcoran and Pleasant Valley State Prisons**. This pilot program is designed to  
reduce the cost of processing court filings in civil rights cases brought by incarcerated Plaintiffs  
pursuant to 42 U.S.C. § 1983.

21       As part of the pilot program, the following applies:

22       **Scope:**

23       1.       This Standing Order only applies to cases brought by incarcerated Plaintiffs  
24 housed at the participating facility at the time of initial filing who assert claims involving  
25 conditions of confinement, such as those brought under 42 U.S.C. § 1983 and only applies to  
26 cases being filed in the Fresno Division of the Eastern District of California in conformity with  
Local Rule 120(e). Additionally, this Standing Order does not apply to claims challenging the  
fact or duration of a prisoner's confinement or other matters not herein authorized.

27       2.       This Standing Order only applies to initial filings by Plaintiffs which initial filings  
28 are defined as the complaint, an application to proceed in forma pauperis without prepayment of  
fees, or a motion seeking relief from this Standing Order or a motion for emergency relief. At a

1 CDCR participating facility, no initial documents will be accepted for filing by the Clerk of the  
2 Court unless done pursuant to this Standing Order or the scanning equipment is inoperable for a  
3 period longer than forty-eight (48) hours. After the initial filings, all other filings shall be mailed  
and comply with the Local Rules for the United States District Court for the Eastern District of  
California and any subsequent orders issued by this Court after the filing of the complaint.

4 **Procedures for Filing:**

5 3. Plaintiffs shall provide their complaint and any application to proceed in forma  
6 pauperis without prepayment of fees to CDCR in conformity with their procedures for the  
7 electronic filing of initial documents, including any applicable procedures for paying for  
8 photocopies. Plaintiff is required to pay for photocopies according to the applicable CDCR  
policies and procedures.

9 4. To facilitate compliance with Fed. R. Civ. P. 8(a)(2) (requiring that a pleading  
10 contain "a short and plain statement of the claim showing that the pleader is entitled to relief")  
11 and to reduce costs and delays associated with processing complaints, the Court imposes a page-  
12 limit on complaints filed by incarcerated Plaintiffs. Complaints shall not exceed twenty-five (25)  
13 pages in length. Any exhibits attached to a complaint shall count toward the twenty-five page  
14 limit. Plaintiffs are encouraged to use the Court's sample civil rights form. In the event a  
15 Plaintiff moves the Court to file a complaint longer than twenty-five (25) pages, he or she must  
include the motion with the proposed complaint to Court and must demonstrate the grounds for  
the need to exceed the page limitation. Motions to proceed in forma pauperis, motions to  
increase the page limit and motions for emergency relief shall be no more than fifteen (15) pages  
in total length combined.

16 5. CDCR staff will scan all initial filings into a preprogrammed digital sender which  
17 scans and converts the documents to .PDF format. On the front page of each separate filing,  
18 CDCR staff shall stamp the document indicating that the document has been scanned and  
19 emailed, along with the date completed. After the documents are scanned, the original  
documents will be returned to the Plaintiff and CDCR shall promptly email the documents to the  
Clerk of Court for filing.

20 6. The Court, through the Clerk of the Court, will retrieve the e-mailed documents  
21 from CDCR, conduct a readability review, and file them in the Case Management Electronic  
22 Case Filing system (CM/ECF). The Court will e-mail a document confirming receipt of the filed  
23 documents and initial case filing instructions to the Plaintiff to an e-mail address established by  
24 CDCR, as well as orders or other documents which are immediately provided to a Plaintiff after  
25 the initial filing. CDCR staff shall deliver these e-mailed documents to the incarcerated Plaintiff.  
After this initial filing, all other documents to be filed shall be sent and served through the mails  
in accordance with CDCR procedures regarding legal mail, the Local Rules of this Court and  
other applicable law.

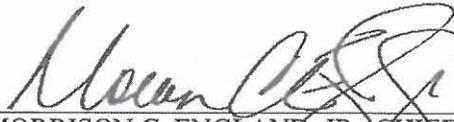
26 7. Each CDCR facility participating in the pilot program will establish an e-mail  
27 address at which CDCR staff can retrieve the Court's emails and other court-issued initial  
28 filings. CDCR staff will retrieve this information from the Court's email and any attached  
documents, print and deliver them to the incarcerated Plaintiff. If the incarcerated Plaintiff  
refuses delivery of the documents or is no longer at an e-filing CDCR participating facility,

1 CDCR staff will notify the Court by e-mail and indicate the reason for non-delivery of the  
2 documents. Since the original civil complaint and other filings were returned to the incarcerated  
3 Plaintiff as scanned and emailed, the Court and CDCR are not required to provide the  
4 incarcerated Plaintiff with any filed stamped copies of the documents filed by the Plaintiff.

5 8. The Clerk of Court is authorized to create any additional required forms or  
6 procedures to effectuate this Standing Order.

7 9. The effective date of this Standing Order is October 1, 2014.

8 Dated: September 24, 2014

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10 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
11 UNITED STATES DISTRICT COURT  
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# MOU'S

**MEMORANDUM OF UNDERSTANDING REGARDING  
DEVELOPMENT OF PRISONER E-SERVICE PROGRAM**

This Memorandum of Understanding (MOU) between the CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR), 1515 S Street, 351-N, Sacramento, California 95814, and the UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA, Fresno Division (Court), 2500 Tulare Street, Fresno, California 93721, is entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

The parties hereto agree as follows

**I. Purpose and Scope**

The purpose of this Memorandum of Understanding is to memorialize the agreement between the COURT and the CDCR (the parties) concerning the COURT's Pilot Prisoner E-Service Filing Project (pilot project). This pilot project is intended to establish an electronic process for transmission of Prisoner civil rights complaints regarding conditions of confinement, usually brought under 42 U.S.C. § 1983, in lieu of manual United States Postage Service filings. The pilot project will launch in California State Prison, Corcoran (Facility) during the pilot period specified herein as "Term of Agreement." Although the pilot project will initially be limited to the CDCR staff-assisted filing of Eastern District complaints, as described herein, by email by prisoners, it may be expanded by mutual agreement of the parties at a later date.

**II. Term of Agreement**

The term of this MOU is one year, commencing on October 1, 2014 with checkpoint periods occurring every three months to ensure that technical and procedural issues are addressed in a timely fashion. This MOU shall remain in effect until amended in writing by both parties or terminated.

**III. COURT Responsibilities**

The COURT owns and will provide the necessary equipment, consisting of a high-end scanner for use by CDCR, presently contemplated to be a Hewlett-Packard 9250C Digital Sender (scanner), or its equivalent. The COURT will hold and administer an equipment warranty product throughout the term of this agreement. For the term of this agreement, the COURT will be responsible for all maintenance, repairs, transports, and/or replacement of the equipment. Removal of the equipment by the COURT prior to the end of the term of this MOU shall terminate the pilot project. CDCR may elect, but shall be under no obligation, to purchase its own equipment to continue the pilot project.

In cooperation with, and upon final approval by CDCR, the COURT will arrange and provide on-site training to the facility staff regarding the scanner use, naming convention, notification receipts and delivery verification.

The COURT will provide one self-inking stamp to the facility to be used by its designated staff to stamp each prisoner pleading prior to scanning. The stamp will signify that the document was scanned and emailed to the COURT and will identify the date and time the document was sent and the number of pages scanned. All documents evincing this stamp shall be deemed received as of the date the document was scanned and stamped.

The COURT will establish a dedicated e-filing box to facilitate e-filing of inmate plaintiffs' scanned documents.

The COURT will determine a method by which designated CDCR staff can receive verification of documents that they scan on behalf of inmate plaintiffs under the pilot program.

The COURT will implement a standing order requiring: (1) exclusive e-filing of the complaints contemplated in this MOU by prisoner plaintiffs and require inmates to seek a court approved waiver for any other mechanism of filing; and (2) limiting the number of pages for contemplated filings to twenty-five (25) pages, absent leave of court, and (3) allow for the filing of other necessary documents and page limits in the initial filing. See Standing Order signed September 24, 2014, attached hereto as Exhibit "A".

The primary contact for the COURT is as follows:

Keith Holland, Chief Deputy Clerk  
501 "I" Street, Suite 4-200  
U.S. District Court, Eastern District  
(916) 930-4078

The COURT, in conjunction with CDCR, shall promulgate a written protocol which will address the naming properties of documents scanned in PDF; email addresses to be used; where information is to be sent to and from; as well as any matter involving the day-to-day operations of this pilot program; and designing and implementing any forms necessary to carry out this pilot program. The COURT and CDCR may mutually revise this written protocol and forms as they deem necessary without the need to revised this MOU or the Standing Order, unless the written protocol is inconsistent with this MOU or the Standing Order.

#### **IV. CDCR Responsibilities**

CDCR will designate appropriate staff to receive and scan prisoner civil rights complaints. CDCR will make designated staff available for training upon reasonable notice.

CDCR will implement a procedure for collection of documents from inmate plaintiffs. This procedure may include a drop box or dispatch form which contemplates limited access to administratively segregated (AD-SEG) inmates. The appropriate facility staff shall keep a record in the form of a log of each complaint and associated documents scanned and emailed to the COURT, and shall require each individual filing inmate to sign the log relating to his or her filing.

CDCR will post notices of the Civil Complaint (dealing with conditions of confinement only) E-service requirements and the corresponding Standing Order established by the COURT throughout the facility. See Sample Notice is attached hereto as Exhibit "B".

CDCR will implement a procedure for authenticating *In Forma Pauperis* certifications and scan these certifications along with the conditions of confinement civil filings.

Facility staff will scan and email documents to the COURT within 48 hours of receipt, with originals being returned to the prisoner in a timely manner.

Primary contact for CDCR:

Devin Holmes  
(916) 358-2998

#### **V. Report Requirements**

CDCR shall cooperate fully in providing all raw data deemed to be essential to maintaining the success of the program as well as any problems or failures discovered during the pilot project. Any reports generated by the collection of this data shall be shared solely between the parties and shall not be forwarded to any other person or entity except by mutual agreement of the COURT and CDCR.

**VI. Termination**

The COURT or CDCR may terminate the pilot project at any time. Before October 1, 2015, the COURT and CDCR will evaluate the pilot project and determine whether it should be continued, terminated, modified, or expanded.

Upon cancellation or termination of this MOU, the COURT retains ownership of the necessary equipment and CDCR shall return the scanning equipment and related software to the COURT.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**FOR THE COURT:**

Authorized Official: \_\_\_\_\_  
Name and Title: Keith Holland  
Chief Deputy Clerk  
Address: 501 I Street, Room 4-200  
Sacramento, CA 95814  
Telephone: (916) 930-4078  
E-Mail Address: kholland@caed.uscourts.gov

**FOR CDCR:**

Authorized Official: \_\_\_\_\_  
Name and Title: Deborah Chu  
DPMII – EIS IT Acquisitions Unit  
Address: 1900 Birkmont Drive, Rancho Cordova, California 95742  
Telephone: (916) 358-2181  
E-Mail Address: Deborah.Chu@cdcr.ca.gov

# EXHIBIT "A"

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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

IN RE: PROCEDURAL RULES FOR **STANDING ORDER**  
ELECTRONIC SUBMISSION OF  
PRISONER LITIGATION FILED BY  
PLAINTIFFS INCARCERATED AT  
CORCORAN and PLEASANT VALLEY  
STATE PRISONS

This Standing Order for the United States District Court for the Eastern District of California, Fresno Division, describes a pilot program in which the Court and the California Department of Corrections and Rehabilitation (CDCR) have agreed to participate in a program whereby initial pleadings submitted by prisoners in civil rights cases involving conditions of confinement claims are electronically filed. As part of this pilot program, CDCR agrees to collaborate with the Court to include the following prison facility or facilities in the pilot program: **Corcoran and Pleasant Valley State Prisons**. This pilot program is designed to reduce the cost of processing court filings in civil rights cases brought by incarcerated Plaintiffs pursuant to 42 U.S.C. § 1983.

As part of the pilot program, the following applies:

**Scope:**

1. This Standing Order only applies to cases brought by incarcerated Plaintiffs housed at the participating facility at the time of initial filing who assert claims involving conditions of confinement, such as those brought under 42 U.S.C. § 1983 and only applies to cases being filed in the Fresno Division of the Eastern District of California in conformity with Local Rule 120(e). Additionally, this Standing Order does not apply to claims challenging the fact or duration of a prisoner’s confinement or other matters not herein authorized.
2. This Standing Order only applies to initial filings by Plaintiffs which initial filings are defined as the complaint, an application to proceed in forma pauperis without prepayment of fees, or a motion seeking relief from this Standing Order or a motion for emergency relief. At a

1 CDCR participating facility, no initial documents will be accepted for filing by the Clerk of the  
2 Court unless done pursuant to this Standing Order or the scanning equipment is inoperable for a  
3 period longer than forty-eight (48) hours. After the initial filings, all other filings shall be mailed  
and comply with the Local Rules for the United States District Court for the Eastern District of  
California and any subsequent orders issued by this Court after the filing of the complaint.

4 **Procedures for Filing:**

5 3. Plaintiffs shall provide their complaint and any application to proceed in forma  
6 pauperis without prepayment of fees to CDCR in conformity with their procedures for the  
7 electronic filing of initial documents, including any applicable procedures for paying for  
8 photocopies. Plaintiff is required to pay for photocopies according to the applicable CDCR  
policies and procedures.

9 4. To facilitate compliance with Fed. R. Civ. P. 8(a)(2) (requiring that a pleading  
10 contain “a short and plain statement of the claim showing that the pleader is entitled to relief”)  
11 and to reduce costs and delays associated with processing complaints, the Court imposes a page-  
12 limit on complaints filed by incarcerated Plaintiffs. Complaints shall not exceed twenty-five (25)  
13 pages in length. Any exhibits attached to a complaint shall count toward the twenty-five page  
14 limit. Plaintiffs are encouraged to use the Court’s sample civil rights form. In the event a  
15 Plaintiff moves the Court to file a complaint longer than twenty-five (25) pages, he or she must  
include the motion with the proposed complaint to Court and must demonstrate the grounds for  
the need to exceed the page limitation. Motions to proceed in forma pauperis, motions to  
increase the page limit and motions for emergency relief shall be no more than fifteen (15) pages  
in total length combined.

16 5. CDCR staff will scan all initial filings into a preprogrammed digital sender which  
17 scans and converts the documents to .PDF format. On the front page of each separate filing,  
18 CDCR staff shall stamp the document indicating that the document has been scanned and  
19 emailed, along with the date completed. After the documents are scanned, the original  
documents will be returned to the Plaintiff and CDCR shall promptly email the documents to the  
Clerk of Court for filing.

20 6. The Court, through the Clerk of the Court, will retrieve the e-mailed documents  
21 from CDCR, conduct a readability review, and file them in the Case Management Electronic  
22 Case Filing system (CM/ECF). The Court will e-mail a document confirming receipt of the filed  
23 documents and initial case filing instructions to the Plaintiff to an e-mail address established by  
24 CDCR, as well as orders or other documents which are immediately provided to a Plaintiff after  
25 the initial filing. CDCR staff shall deliver these e-mailed documents to the incarcerated Plaintiff.  
After this initial filing, all other documents to be filed shall be sent and served through the mails  
in accordance with CDCR procedures regarding legal mail, the Local Rules of this Court and  
other applicable law.

26 7. Each CDCR facility participating in the pilot program will establish an e-mail  
27 address at which CDCR staff can retrieve the Court’s emails and other court-issued initial  
28 filings. CDCR staff will retrieve this information from the Court’s email and any attached  
documents, print and deliver them to the incarcerated Plaintiff. If the incarcerated Plaintiff  
refuses delivery of the documents or is no longer at an e-filing CDCR participating facility,

1 CDCR staff will notify the Court by e-mail and indicate the reason for non-delivery of the  
2 documents. Since the original civil complaint and other filings were returned to the incarcerated  
3 Plaintiff as scanned and emailed, the Court and CDCR are not required to provide the  
4 incarcerated Plaintiff with any filed stamped copies of the documents filed by the Plaintiff.

5 8. The Clerk of Court is authorized to create any additional required forms or  
6 procedures to effectuate this Standing Order.

7 9. The effective date of this Standing Order is October 1, 2014.

8 Dated: September 24, 2014

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11 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
12 UNITED STATES DISTRICT COURT  
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# EXHIBIT "B"

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

IN RE:

Standing Order No. \_\_\_\_\_

**Prisoner Electronic Filing  
Pilot Project**

\_\_\_\_\_ /

The United States District Court for the District of Oregon (the Court) and the Oregon Department of Corrections, specifically, the Snake River Correctional Institution (the Institution) in Ontario, Oregon, have agreed to participate in a pilot project to facilitate the electronic filing with the Court of prisoner filings on behalf of inmates housed at the Institution. The pilot project is designed to reduce the time and expense of processing court filings made by inmates. The procedures used will significantly reduce the expenditures for paper, envelopes, copier supplies, and postage for the Institution and the inmates. Further, the procedures will substantially reduce the amount of staff time spent processing inmate filings, for both the Institution and the Court, and result in the prompt and timely handling of inmate filings.

The Court implemented e-filing of documents in 2003, which was made mandatory for attorney-users in 2006. This procedure will expand the use of electronic filing and access to include prisoner litigation matters.

The process for this pilot program is outlined below. Specific details are set forth in the *Prisoner Electronic Filing Guide*. This program will commence \_\_\_\_\_.

1. Inmates will submit pleadings to library staff at the Institution for filing with the Court.
2. Library staff will scan the pleadings submitted by inmates for filing.

3. Once scanned in a format appropriate for electronic filing, and after quality review, library staff will email the documents to the Court for docketing. The Court will establish a dedicated email address for this purpose. Library staff will retain the original document pending receipt of a notice of filing from the Court.
4. Once the filing is docketed, a Notice of Electronic Filing (NEF) will be generated by the CM/ECF system as confirmation of the filing. The NEF will reflect the number of pages filed. This NEF will be sent to the library staff at the Institution via email. The Institution will establish a dedicated email address for this purpose. Library staff will print the NEF and return the original document with the NEF to the inmate. The inmate will acknowledge receipt of the NEF by signing the library's NEF/Order Receipt Log (NEF Log).
5. Inmates at the Institution will receive all notices, rulings, and orders from the Court electronically. The library staff will print the NEF and a copy of Court filings and deliver them to the inmate. The inmate will acknowledge receipt of the NEF and attached Court filings by signing the library's NEF Log. Receipt by the inmate constitutes service upon the inmate pursuant to Fed. R. Civ. P. 5(b).
6. If the inmate refuses delivery or is no longer at the Institution, library staff will indicate the reason for non-delivery on the NEF and email it to the Court.
7. Filings (subsequent to case initiating documents) received from inmates through the Institution and docketed by the Court will be sent electronically to all registered users and constitute service upon those parties pursuant to Fed. R. Civ. P. 5(b)(2)(E). If any party is not a registered user of the Court's CM/ECF system, the Clerk's Office will mail a copy of the inmate's filing to each non-

registered party on behalf of the inmate, via the U.S. Postal Service, and note such service on the court's docket. Inmates will continue to receive paper copies of pleadings filed by any other party to the case through regular U.S. mail.

The Court will provide the necessary scanning equipment for the Institution's use for this pilot project, and all training necessary for library staff. The equipment will remain the property of the Court. The Court will be responsible for maintenance and/or replacement of scanners provided. The Institution will provide a printer and paper necessary to provide copies to the inmates at the Institution as required by this process.

The Court will evaluate the pilot project after six months and determine whether it should be continued, terminated, modified, or expanded.

Done on behalf of the Court this \_\_\_\_\_.

\_\_\_\_\_  
ANN AIKEN, Chief Judge  
United States District Court

PRISONER E-FILING PROJECT

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**FACT SHEET**

**1. Benefits**

- a. Institution Benefits: The main advantage for the institution is the reduction in the amount of legal mail, both incoming and outgoing, processed through the prison mail system. There is also a reduction in time spent making copies for the inmates.
- b. Inmate Benefits: The inmates will benefit by the increased speed in document filing and receipt of court filings. The inmates will also be able to retain their original documents after scanning, and save on the cost of copies, postage, and envelopes. Additionally, all parties that are registered users of the Case Management/Electronic Case Filing (CM/ECF) system will be served by e-mail with all the filings through CM/ECF (after the case initiating document), and all parties that are not registered CM/ECF users will receive a copy of the inmate's electronically filed document from the Clerk of Court, via U.S. mail.
- c. Court Benefits: The advantages for the court consist of significant cost savings on paper, envelopes, copier supplies, and postage; reduced prisoner mail requiring secure mail procedures; and substantially reducing the amount of staff time spent processing prisoner filings.

**2. Equipment Needs**

The Court will provide and maintain scanners in the prison libraries.

**3. E-mails, NEFs and Paper Service**

- a. Prisoner litigants will submit documents to the library staff with a Request for Electronic Filing form detailing what is being filed and how many pages. The document will be scanned and e-mailed to [prisoner@ord.uscourts.gov](mailto:prisoner@ord.uscourts.gov). The subject line of the e-mail will include the case number, the name of the inmate, and the number of pages scanned.
- b. The prison will have one designated e-mail address set up to receive all e-mail Notices of Electronic Filing (NEFs) for inmates housed within that institution.
- c. The Clerk's Office will docket the filings and an NEF will be generated. The NEF serves as a receipt to verify filing. The NEF will include the number of pages filed. The original document(s) will be returned to the inmate with the NEF. (See 5(a)iv). The NEF log will be signed by the inmate to acknowledge receipt of the NEF and original documents.

- d. Service of documents filed by other parties to the case will be effected by non-electronic means. Inmates will continue to receive paper copies of pleadings filed by other parties to the case through regular U.S. mail. Library staff is not required to print NEFs and the attached documents filed by other parties to the case and provide them to the inmates.
- e. Court filings will be served to the designated e-mail address at the institution. The NEF and the document will be printed and delivered to the inmate. The NEF Log will be signed by the inmate to acknowledge receipt of the NEF and any attached document.

#### 4. Change of Address

The library staff will send a return e-mail to the court if an inmate is moved from the prison and a note will be placed in the case file so that no additional mail will be sent to the prison e-mail address. (*See 5(b)v*).

#### 5. Responsibilities

- a. Library Staff Responsibilities:
  - i. Review documents submitted for completeness and legibility.
  - ii. After signing and dating the Request for Electronic Filing form, provide the inmate with a copy as a receipt.
  - iii. Scan the inmate's documents with a Request for Electronic Filing form and email electronic filing to the Court.
  - iv. After the NEF is received from the Court, print the NEF, attach to the original documents, and return to the inmate. Require inmate's signature on the NEF log acknowledging receipt.
  - v. For Court filings, print the NEF and the attached documents, deliver to the inmate, and require the inmate's signature on the NEF log acknowledging receipt. (*Service copy*).
- b. Inmate Responsibilities:
  - i. Submit typed or legible handwritten documents.
  - ii. Fill out a Request for Electronic Filing form.
  - iii. Sign NEF log for receipt of NEF and original submitted documents.
  - iv. Sign NEF log for receipt of NEF and filings from the court (*Service copy*).
  - v. Update the court of any change of address as required by L.R. 83-10(b).
- c. Court Responsibilities:
  - i. Review scanned documents for completeness and legibility.
  - ii. Contact library staff if scanned documents are not legible or complete/need to be resent to Court.
  - iii. Docket pleadings and generate NEF to registered users and prison e-mail account.
  - iv. Mail copies of filings from inmate to non-registered users.
  - v. Note to file if notified an inmate is no longer housed within an institution to stop e-notice.

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON**

**PRISONER ELECTRONIC FILING GUIDE FOR LIBRARY STAFF**

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**Electronic Filing**

All documents are to be electronically submitted for filing, including case initiating documents.

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**Filing Requirements**

An inmate is required to prepare and present a Request for Electronic Filing Form (Request) with all documents. The Request must list all documents presented for scanning by name and include the total number of pages for each document. All documents must comply with the following requirements:

1. The document must be captioned for the United States District Court, District of Oregon. If a document is not captioned properly it should not be accepted for scanning.
2. Letters to the judge or the Clerk's Office must be sent by mail, and should not be scanned.
3. Any document submitted for scanning must include the full case number in the following format:
  - x:xx-cv-xxxxx XX, which is <divisional office>:<year>-<civil>-<case number> <judge initials>.
4. Hand-written documents and forms must be prepared with a dark pen to ensure a readable scanned copy. Light carbon copy forms or documents filled out in pencil may need to be darkened to ensure a readable scanned copy.
5. Multiple documents must be scanned and e-mailed to the court separately.
6. Every page of a document must be clearly numbered.
7. Two-sided documents should not be submitted for scanning.

If a document does not comply with any of these requirements, ask the inmate if they want to make corrections to the document prior to submission. Inform the inmate that documents that do not meet the requirements of the District Court may be returned for resubmission, which will delay processing.

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**Library Processing**

The librarian or legal clerk must sign and date the Request for Electronic Filing form and return a copy to the inmate as a receipt. The Request and documents should be scanned and e-mailed within 24 hours of receipt of the Request for Electronic Filing.

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**Scanning Documents**

Review all scanned documents prior to submission to the Clerk's Office to ensure all pages are included and legible. If you are unable to scan a legible image, include a message in your e-mail indicating that the document cannot be rescanned for a better image.

Large documents must be scanned in multiple PDF files. Indicate in the e-mail subject line that the attached PDF is part of a larger document, such as document 1 of 3.

Once scanning has been completed, e-mail the document(s) to the Clerk's Office at [prisoner@ord.uscourts.gov](mailto:prisoner@ord.uscourts.gov). The subject line should include the case number, inmate's name, and the total number of pages being submitted for filing.

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### **District Court Processing**

E-mailed documents are delivered to a case administrator for review and are filed within 24 hours if no issues are discovered. If, after review, it is determined that a document sent by e-mail will not be filed, the case administrator will return the e-mail to the library staff with an explanation as to why the NEF will not be issued. If inmate action is required, see [Electronic Confirmation of Filing – Court Filings](#) for instructions on distribution of court's return e-mail and documents.

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### **Electronic Confirmation of Filing – Inmate Filings**

When a document is electronically filed, the court's Case Management/Electronic Case Filing (CM/ECF) system will generate a Notice of Electronic Filing (NEF). The NEF will go to the institution's e-mail address, which is monitored by a librarian or legal clerk. The NEF should be printed, attached to the inmate's original document, and returned to the inmate. The NEF will include the total number of pages filed to confirm that the court received a complete document. When the NEF and documents are returned to the inmate, the inmate should sign the NEF/Order Receipt Log (NEF Log) to confirm that the inmate received the NEF and the returned documents.

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### **Electronic Confirmation of Filing – Court Filings**

The designated e-mail address for the institution will also receive NEFs for documents filed by the court. If you receive an NEF for a document filed by the court, the NEF and any attached documents should be printed and delivered to the inmate. The inmate should sign the NEF Log to confirm that the inmate received the NEF and any attached documents. The NEF e-mail can be deleted once the inmate has received the documents and signed the NEF Log.

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### **Electronic Confirmation of Filing – Filings by Other Parties**

The designated e-mail address for the institution will also receive NEFs for documents filed by other parties. If you receive an NEF for a filing by another party, you are not required to print the NEF or the attached document for the inmate. The other party is responsible for sending copies of filed documents to inmates by mail.

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### **Inmates Who Have Moved**

If you receive an NEF for an inmate who is no longer at your institution, forward the NEF to [prisoner@ord.uscourts.gov](mailto:prisoner@ord.uscourts.gov) and indicate that the inmate is no longer at your institution. The Clerk's Office will remove the institution's e-mail address from the inmate's case so that you will no longer receive NEFs in the future. There is no need to attempt to forward NEFs, as inmates are responsible for informing the court of any address changes.

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**OREGON DEPARTMENT OF CORRECTIONS**  
Request for Electronic Filing

Please **PRINT** information clearly in all areas. Use a **PEN** and **PRESS FIRMLY**.

Inmate Name ( <i>Last, First M.I.</i> )	SID Number
Institution	Date

List each document separately

To be completed by inmate	No.	Document Name	Number of Pages
	1.		
	2.		
	3.		
	4.		
	5.		
	6.		
	7.		
	8.		
	9.		
	10.		
	11.		

Designated Staff	Designated Staff Name ( <i>Last, First M.I.</i> )	Designated Staff Signature	Date Received	Date Forwarded	Time Forwarded

Please follow the guidelines below to avoid delays in processing your documents.

- Only documents intended for filing in your U.S. District Court case should be submitted to the librarian for scanning.
- Documents intended for courts other than the U.S. District Court must not be submitted to the librarian for scanning. These documents must be mailed to the appropriate court.
- Letters to the court should be mailed directly to the Clerk's Office.
- You must include** the complete case number on your documents in the following format: X:XX-cv-XXXX.
- Documents must be dark enough to be legible after scanning.** If possible, use a dark ink pen. If using a pencil, write as dark as possible.
- Do not submit two-sided documents for scanning.** Copy the back of any two-sided documents to create two single-sided documents for scanning. The back of two-sided documents will not be scanned.
- If you are submitting multiple documents, they must be submitted to the librarian as separate documents.
- Every page of a document must be clearly numbered.** Begin each document with page one.
- The Notice of Electronic Filing (NEF) you will receive from the court as confirmation will include the total number of pages filed per document.
- Do not submit copies of case law or prison policies.** The court can access these documents, so they need only be cited in your filing.

# U.S. District Court NEF/Order Receipt Log

## Snake River Correctional Institution

Month/Year \_\_\_\_\_

	Inmate Name	SID #	Date	Docket #	Total Pages	Issued By	Inmate Signature
1							
2							
3							
4							
5							
6							
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## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
<b>DISTRICT OF ALASKA</b>  <b>Contact:</b> <b>Diane Smith, Pro Se Staff Attorney</b>  <b>907.677.6135</b>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• All handled by PSSA, working directly for District Judge (DJ).</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Assigned to Magistrate Judge (MJ)</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Assigned to MJ</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Assigned to MJ</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Final disposition is by DJ, COA handled by DJ unless dismissed during screening, in which case proposed order for the DJ is drafted by PSSA. Rule 60(b) motions are handled by PSSA, working for the DJ.</li> </ul>
	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• All handled by PSSA, working directly for DJ</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• One DJ is currently referring 2255 motions to a MJ. The other three DJs handle the motions in chambers.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• DJ or MJ – depending upon whether it's the one district judge who is referring to a MJ.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• DJ or MJ – depending upon whether it's the one district judge who is referring to a MJ.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Final disposition is by DJ, COA handled by DJ unless dismissed during screening, in which case proposed order for the DJ is drafted by PSSA. Rule 60(b) motions are handled by PSSA, working for the DJ.</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• All handled by PSSA, working directly for DJ.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• Typically handled by DJ</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• Typically handled by DJ.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• Typically handled by DJ.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• Final disposition is by DJ, COA handled by DJ unless dismissed during screening, in which case proposed order for the DJ is drafted by PSSA. Rule 60(b) motions are handled by PSSA, working for the DJ</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
<p><b>DISTRICT OF ARIZONA</b></p> <p><b>Contact:</b> James McKay, Supervising Pro Se Staff Attorney</p> <p><b>602.322.7284</b></p>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Cases are randomly assigned to a DJ and referred to an MJ.</li> <li>• PSSAs screen petitions (IFP, jurisdiction, venue, exhaustion, successive petition, merits) and draft orders for DJ.</li> <li>• PSSAs track all habeas cases through screening dismissal or service order.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• If the case survives screening, PSSAs prepare service/scheduling order for DJs</li> <li>• Service orders include a referral to the randomly selected MJ for all non-dispositive pretrial matters.</li> <li>• MJ law clerks prepare orders for the MJ on non-dispositive matters.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• MJs and their law clerks handle evidentiary hearings and discovery.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• If a motion for TRO/PI is filed, the reference to the MJ is withdrawn and the PSSAs draft an order for the DJ.</li> <li>• All other dispositive motions and the merits are addressed in a F&amp;R drafted by the MJs and their law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Screening orders dismissing case include a COA and are drafted by the PSSAs for the DJ.</li> <li>• If the 60(b) follows a screening order, the PSSAs draft an order for the DJ.</li> <li>• DJs and their law clerks review F&amp;Rs drafted by the MJs, include a COA in their final orders, and handle 60(b) motions relating to those final orders.</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
	<p style="text-align: center;"><b><u>2255</u></b></p> <p>Phoenix Division:</p> <ul style="list-style-type: none"> <li>• Cases are randomly assigned to a DJ and referred to an MJ.</li> </ul> <p>Tucson Division:</p> <ul style="list-style-type: none"> <li>• Cases are not referred to an MJ.</li> </ul> <p>Both Divisions:</p> <ul style="list-style-type: none"> <li>• PSSAs screen petitions (jurisdiction, successive petition, waiver, merits) and draft orders for DJ.</li> <li>• PSSAs track all 2255s through screening dismissal or service order.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <p>Phoenix Division:</p> <ul style="list-style-type: none"> <li>• If the case survives screening, PSSAs prepare service/scheduling order for DJs</li> </ul> <p>Phoenix Division:</p> <ul style="list-style-type: none"> <li>• Service orders include a referral to the randomly selected MJ for all non-dispositive pretrial matters.</li> <li>• MJ law clerks prepare orders for the MJ on non-dispositive matters.</li> </ul> <p>Tucson Division:</p> <ul style="list-style-type: none"> <li>• DJs and their law clerks prepare orders on all non-dispositive matters.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <p>Phoenix Division:</p> <ul style="list-style-type: none"> <li>• MJs and their law clerks handle evidentiary hearings and discovery.</li> </ul> <p>Tucson Division:</p> <ul style="list-style-type: none"> <li>• DJs and their law clerks handle evidentiary hearings and discovery.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <p>Phoenix Division:</p> <ul style="list-style-type: none"> <li>• If a motion for TRO/PI is filed, the reference to the MJ is withdrawn and the PSSAs draft an order for the DJ.</li> <li>• All other dispositive motions and the merits are addressed in a F&amp;R drafted by the MJs and their law clerks.</li> </ul> <p>Tucson Division:</p> <ul style="list-style-type: none"> <li>• PSSAs draft orders on motions for TRO/PI for the DJ.</li> <li>• All other dispositive motions and the merits are addressed in an order drafted by the DJ and their law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Screening orders dismissing case include a COA and are drafted by the PSSAs for the DJ.</li> <li>• If the 60(b) follows a screening order, the PSSAs draft an order for the DJ.</li> </ul> <p>Phoenix Division:</p> <ul style="list-style-type: none"> <li>• DJs and their law clerks review F&amp;Rs drafted by the MJs, include a COA in their final orders, and handle 60(b) motions relating to those final orders.</li> </ul> <p>Tucson Division:</p> <ul style="list-style-type: none"> <li>• DJs and their law clerks include a COA in their final orders and handle 60(b) motions relating to those final orders.</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• Cases are randomly assigned to a DJ and referred to an MJ.</li> <li>• PSSAs screen petitions (IFP, jurisdiction, venue, exhaustion, merits) and draft orders for DJ.</li> <li>• PSSAs track all habeas cases through screening dismissal or service order.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• If the case survives screening, PSSAs prepare service/scheduling order for DJs</li> <li>• Service orders include a referral to the randomly selected MJ for all non-dispositive pretrial matters.</li> <li>• MJ law clerks prepare orders for the MJ on non-dispositive matters</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• MJs and their law clerks handle evidentiary hearings and discovery.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• If a motion for TRO/PI is filed, the reference to the MJ is withdrawn and the PSSAs draft an order for the DJ.</li> <li>• All other dispositive motions and the merits are addressed in a F&amp;R drafted by the MJs and their law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• Screening orders dismissing case include a COA and are drafted by the PSSAs for the DJ.</li> <li>• If the 60(b) follows a screening order, the PSSAs draft an order for the DJ.</li> <li>• DJs and their law clerks review F&amp;Rs drafted by the MJs, include a COA in their final orders, and handle 60(b) motions relating to those final orders.</li> </ul>
<p><b>CENTRAL DISTRICT OF CALIFORNIA</b></p> <p><b>Contact:</b> Terry Nafisi, Clerk of Court</p> <p><b>213.894.8844</b></p>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• All handled by individual MJ, and that judge decides whether to assign to his or her elbow clerk or PSSA.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• All handled by individual MJ, generally handled by chambers staff, although some judges assign to their PSSA.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• All handled by individual MJ, generally handled by chambers staff, although some judges assign to their PSSA.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• All handled by individual MJ, generally handled by chambers staff, although some judges assign to their PSSA.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• All handled by individual MJ, generally handled by chambers staff, although some judges assign to their PSSA. Forwarded to DJ ultimately to terminate case. In consent cases, all done by MJ.</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>Handled by DJs.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>Handled by DJs.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>Handled by DJs.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>Handled by DJs.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>Handled by DJs.</li> </ul>
	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>Handled by MJs, like 2254s.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>Handled by MJs, like 2254s.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>Handled by MJs, like 2254s.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>Handled by MJs, like 2254s.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>Handled by MJs, like 2254s.</li> </ul>
<p><b>EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION</b></p> <p><b>Contact:</b></p> <p><b>Chris Dornay</b> 559.499.5923</p> <p><b>Kim Raven</b> 559.499.5984</p>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>Cases are randomly assigned to MJ; order re: consent issues at case opening; if no consent, DJ is randomly assigned.</li> <li>PSSAs screen petitions (IFP, jurisdiction, venue, exhaustion, SOL) and prepare orders for MJ; operations staff prepare initial case opening documents and IFP and transfer orders for PSSAs to review.</li> <li>PSSAs maintain habeas case lists tracking all open cases.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>PSSAs prepare orders to respond, other scheduling orders, motions for appointment of counsel, and orders on all other non-dispositive motions for MJ; operations staff draft orders on motions for appointment of counsel for PSSAs to review.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>PSSAs handle discovery and evidentiary hearings.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>PSSAs prepare orders to respond to petition and orders or F&amp;Rs on all dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>In consent cases, PSSAs prepare dispositive orders and orders on post-judgment motions for MJ; in non-consent cases, PSSAs prepare F&amp;Rs for MJ and orders adopting for DJ law clerks to review.</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Cases are assigned to DJ who handled the criminal case; DJ law clerks screen.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Handled by DJ law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Handled by DJ law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Handled by DJ law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Handled by DJ law clerks.</li> </ul>
	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• Cases are randomly assigned to MJ; order re: consent issues at case opening; if no consent, DJ is randomly assigned.</li> <li>• PSSAs screen petitions (IFP, jurisdiction, venue) and prepare orders for MJ; operations staff prepare initial case opening documents and IFP and transfer orders for PSSAs to review.</li> <li>• PSSAs maintain habeas case lists to track all open cases.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs prepare orders to respond, other scheduling orders, motions for appointment of counsel, and orders on all other non-dispositive motions for MJ; operations staff drafts orders on motions for counsel for PSSAs to review.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs handle discovery and evidentiary hearings.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs prepare orders to respond to petition and orders or F&amp;Rs on all dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• In consent cases, PSSAs prepare dispositive orders and orders on post-judgment motions for MJ; in non-consent cases, PSSAs prepare F&amp;Rs for MJ and orders adopting for DJ law clerks to review.</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
<p><b>EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION</b></p> <p><b>Contact:</b> Magistrate Judge Kendall Newman</p> <p><b>916.930.4710</b></p>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Pro se writ clerks conduct initial screening for IFP, venue and possible duplicative petitions and prepare boilerplate orders, where appropriate, for PSSA review.</li> <li>• PSSAs screen all petitions for IFP and jurisdictional and substantive defects and prepare orders or F&amp;Rs for MJ.</li> <li>• Depending on the chambers, PSSAs maintain open habeas case lists tracking all open cases.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Pro se writ clerks prepare boilerplate orders for appointment of counsel and extensions of time for PSSA review.</li> <li>• PSSAs prepare scheduling orders and handle all non-dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs handle discovery motions and motions for evidentiary hearing.</li> <li>• PSSAs observe evidentiary hearings and prepare F&amp;Rs for MJ.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs prepare F&amp;Rs for MJ on dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs prepare F&amp;Rs for MJ in non-consent cases and orders for MJ in consent cases on merits and requests for COA.</li> <li>• PSSAs prepare orders for DJ on Rule 60(b) motions.</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs screen all motions and prepare appropriate orders or F&amp;Rs for MJ.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Pro se writ clerks prepare boilerplate orders for appointment of counsel and extensions of time for PSSA review.</li> <li>• PSSAs prepare scheduling orders and handle all non-dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs handle discovery motions and motions for evidentiary hearing.</li> <li>• PSSAs observe evidentiary hearings and prepare F&amp;Rs for MJ.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs prepare F&amp;Rs for MJ on dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs prepare F&amp;Rs for MJ on merits of 2255 motion.</li> <li>• PSSAs prepare orders for DJ on Rule 60(b) motions.</li> </ul>
	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• Pro se writ clerks conduct initial screening for IFP, venue and possible duplicative petitions and prepare boilerplate orders, where appropriate, for PSSA review.</li> <li>• PSSAs screen all petitions and prepare appropriate orders or F&amp;Rs for MJ.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• Pro se writ clerks prepare boilerplate orders for appointment of counsel and extensions of time for PSSA review.</li> <li>• PSSAs prepare scheduling orders and handle all non-dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs handle discovery motions and motions for evidentiary hearing.</li> <li>• PSSAs observe evidentiary hearings and prepare F&amp;Rs for MJ.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs prepare F&amp;Rs for MJ on dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs prepare F&amp;Rs for MJ on merits of 2241 petition.</li> <li>• PSSAs prepare orders for DJ on Rule 60(b) motions.</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
<p><b>NORTHERN DISTRICT OF CALIFORNIA</b></p> <p>Contact: Luis Hernandez, Supervising Pro Se Staff Attorney</p> <p>415.522.2078</p>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>Assigned to DJ who each have PSSA who screens pro se prisoner cases.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>Handled by PSSA for assigned DJ.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>If evidentiary hearing is necessary, Fed Public Defender is appointed and case is handled by presiding chambers law clerk.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>Handled by PSSA for assigned DJ.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>Handled by PSSA for assigned DJ.</li> </ul>
	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>Assigned to DJ law clerk, not PSSA.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>Handled by assigned DJ law clerk.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>Handled by assigned DJ law clerk.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>Handled by assigned DJ law clerk.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>Handled by assigned DJ law clerk.</li> </ul>
	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>Assigned to DJ who each have a PSSA who screens pro se prisoner cases.</li> </ul>	<p style="text-align: center;"><b><u>2244/other</u></b></p> <ul style="list-style-type: none"> <li>Handled by PSSA for assigned DJ.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>Handled by PSSA for assigned DJ.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>Handled by PSSA for assigned DJ.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>Handled by PSSA for assigned DJ.</li> </ul>
<p><b>SOUTHERN DISTRICT OF CALIFORNIA</b></p> <p>Contact: William Stansfield, Pro Se Staff Attorney</p> <p>619.557.5346</p>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>PSSAs screen all petitions for IFP and jurisdictional defects and prepare orders for DJ.</li> <li>PSSAs maintain open habeas case list tracking all open cases.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>PSSAs prepare scheduling orders.</li> <li>MJ law clerks handle appointment of counsel and all other non-dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>MJ law clerks handle discovery and evidentiary hearings.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>MJ law clerks prepare F&amp;Rs on dispositive motions with PSSAs taking cases on a rotational basis as caseload permits.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSAs available for consultation.</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks screen with PSSAs available for consultation.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSAs available for consultation.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSAs available for consultation.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSAs available for consultation.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSAs available for consultation.</li> </ul>
	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>PSSAs prepare IFP orders; DJ law clerks screen petitions with PSSAs available for consultation.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSAs available for consultation.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSAs available for consultation.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSAs available for consultation.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSAs available for consultation.</li> </ul>
<p><b>DISTRICT OF HAWAII</b></p> <p><b>Contact:</b> <b>Denise Pennick,</b> <b>Pro Se Staff Attorney</b></p> <p><b>808.541.1910</b></p>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>PSSA drafts screening orders (exhaustion, time-bar, appointment of counsel) for DJ.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>PSSA drafts scheduling and non-dispositive orders for MJ.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>PSSA is assigned to case to assist MJ law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>MJ law clerks are assigned to draft F&amp;Rs on dispositive motions, but PSSA drafts most orders directly for DJ.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSA rarely asked to help.</li> </ul>
	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSA rarely asked to help.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSA rarely asked to help.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSA rarely asked to help.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSA rarely asked to help.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSA rarely asked to help.</li> </ul>
	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSA rarely asked to help.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSA rarely asked to help.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSA rarely asked to help.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSA rarely asked to help.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks with PSSA rarely asked to help.</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
<b>DISTRICT OF IDAHO</b>  <b>Contact:</b> <b>Janis Dotson,</b> <b>Lead Staff Attorney</b>  <b>208.334.1172</b>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Cases are randomly assigned to MJs and DJs; if no consent, MJ's cases are randomly assigned to DJ.</li> <li>• Lead PSSA assigns petitions to PSSA for screening (IFP, jurisdiction, venue, exhaustion, SOL) and prepares orders.</li> <li>• Lead PSSA maintains habeas case lists, tracking all open cases.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs prepare orders to respond, other scheduling orders, motions for appointment of counsel, and all other motions for assigned judge; clerk's office staff determines the CJA appointment and provides it to PSSA.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs handle discovery and evidentiary hearings.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• PSSAs prepare orders to respond to petition and orders on all dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• In consent cases, PSSAs prepare dispositive orders and orders on post-judgment motions for MJ; non-consent cases are assigned to DJ, PSSAs prepare.</li> </ul>
	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Assigned to DJ law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Assigned to DJ law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Assigned to DJ law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Assigned to DJ law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Assigned to DJ law clerks.</li> </ul>
	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• DJ law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• DJ law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• DJ law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• DJ law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• DJ law clerks.</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
<b>DISTRICT OF MONTANA</b>  <b>Contact:</b> <b>Michelle Badaruddin,</b> <b>Pro Se Staff Attorney</b>  <b>406.542.7277</b>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Assigned to DJ &amp; referred to MJ on opening.</li> <li>• Case opening event sends email to PSSA.</li> <li>• Clerk sets flag for PSSA.</li> <li>• PSSA prescreens for IFP, respondent, 2d/successive, fed. issue, custody, merits, SOL, exhaustion, procedural default, 2254(d); prepares draft for MJ.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Referred to MJ.</li> <li>• PSSA works with MJ.</li> <li>• Consent election conducted if/when State files Answer.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Referred to MJ.</li> <li>• PSSA works with MJ.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Referred to MJ.</li> <li>• PSSA works with MJ.</li> <li>• F&amp;R includes rec. re: COA.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• F&amp;R reviewed by DJ with DJ law clerk.</li> <li>• PSSA works with DJ on any post-judgment issues.</li> </ul>
	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Clerk sets flag for PSSA.</li> <li>• Case opening event sends email to PSSA.</li> <li>• PSSA prescreens for 2d/successive, custody, procedural default, SOL, merits; prepares draft for DJ.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Handled by DJ.</li> <li>• PSSA works with DJ.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Handled by DJ.</li> <li>• PSSA works with DJ.</li> <li>• Evidentiary hearing may be referred to MJ, PSSA then works with MJ.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Dispositive motions handled by DJ (unless evid. hrg on motion is referred to MJ).</li> <li>• PSSA works with DJ (unless evid. hrg on motion is referred to MJ).</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• If evid. hrg referred to MJ, DJ reviews F&amp;R with DJ law clerk.</li> <li>• PSSA works with DJ on any post-judgment issues.</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>Handled like 2254 if filed by state prisoner or like 2255 if filed by federal prisoner (no fed. detention in Montana).</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>N/A</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>N/A</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>N/A</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>N/A</li> </ul>
<p><b>DISTRICT OF NEVADA</b></p> <p><b>Contact:</b> <b>Magistrate Judge Valerie Cooke</b></p> <p><b>775.686.5855</b></p>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>PSSAs screen all petitions for IFP and jurisdictional defects. PSSAs prepare screening orders for DJ. PSSAs maintain open habeas case list tracking all open cases.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>PSSAs prepare all scheduling orders, appointment of counsel orders, and orders on all non-dispositive motions for DJ.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>PSSAs assist DJ with any evidentiary hearings. PSSAs draft orders on all discovery motions.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>PSSAs draft orders for DJ on all dispositive motions and merits of petition &amp; answer.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>PSSAs draft orders for DJ on all final dispositions, R 60(b) motions, and COAs.</li> </ul>
	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks handle.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks handle.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks handle.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks handle.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>DJ law clerks handle.</li> </ul>
	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>PSSAs screen and prepare screening orders.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>PSSAs prepare orders on all non-dispositive motions for DJ.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>PSSAs assist DJ with evidentiary hearings. PSSAs draft orders on all discovery motions.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>PSSAs draft orders for DJ on all dispositive motions and merits of petition &amp; answer.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>PSSAs draft orders for DJ on all final dispositions, R 60(b) motions, and COAs.</li> </ul>

### LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
<b>DISTRICT OF OREGON</b>  Contact: Jackie Holley, Lead Pro Se Staff Attorney  503.326.8363	<u>2254</u>  (information pending)	<u>2254</u>	<u>2254</u>	<u>2254</u>	<u>2254</u>
	<u>2255</u>  (information pending)	<u>2255</u>	<u>2255</u>	<u>2255</u>	<u>2255</u>
	<u>2241/other</u>  (information pending)	<u>2241/other</u>	<u>2241/other</u>	<u>2241/other</u>	<u>2241/other</u>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
<p><b>EASTERN DISTRICT OF WASHINGTON</b></p> <p><b>Contact:</b> Magistrate Judge Cynthia Imbrogno 509.458.5240</p>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Cases randomly assigned to DJ or MJ (with assigned referring DJ).</li> <li>• Deputy clerk reviews for signature and IFP issues, and sends deficiency letters to prisoners if necessary.</li> <li>• PSSA screens all habeas cases (even non-pro se) for jurisdiction, timeliness, successiveness and exhaustion. PSSA prepares orders and may direct petitioner to show cause or amend petition.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• PSSA prepares pre-service non-dispositive orders.</li> <li>• Scheduling orders are prepared by chambers staff (either a judicial assistant or a law clerk).</li> <li>• Chambers law clerk prepare post-service orders on non-dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Chambers law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• PSSA prepares F&amp;R for MJ (or order for DJ) if petition is not served.</li> <li>• If petition is not served, MJ law clerk prepares F&amp;R, and DJ law clerk prepares order adopting, rejecting or modifying.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• PSSA prepares F&amp;R for MJ (or order for DJ) if petition is not served.</li> <li>• If petition is served, MJ law clerks prepare F&amp;R, and DJ law clerk prepares order adopting, rejecting or modifying F&amp;R.</li> </ul>
	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• DJ law clerks screen petitions.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• DJ law clerks prepare orders.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• DJ law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• DJ law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• DJ law clerks.</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• PSSA evaluates petition to determine if it should have been filed as a 2254.</li> <li>• Assigned to DJ if challenging a federal criminal matter.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• PSSA prepares orders until service.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• Chambers law clerks.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• PSSA prepares F&amp;R for MJ (or order for DJ) if petition is not served.</li> <li>• If petition is served, MJ law clerk prepares F&amp;R and DJ law clerk prepares order adopting, rejecting or modifying F&amp;R.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• PSSA prepares F&amp;R for MJ (or order for DJ) if petition is not served.</li> <li>• If petition is served, MJ law clerk prepares F&amp;R and DJ law clerk prepares order adopting, rejecting or modifying F&amp;R.</li> </ul>
<p><b>WESTERN DISTRICT OF WASHINGTON</b></p> <p><b>Contact:</b> <b>Magistrate Judge James Donohue</b></p> <p><b>206.370.8940</b></p>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Deputy clerk performs initial review for basic filing deficiencies and sends deficiency letters to prisoners if necessary.</li> <li>• All prisoner cases are assigned either a PSSA or a MJ law clerk who screen petitions.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Assigned law clerk (either PSSA or MJ law clerk) prepare non-dispositive orders.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• MJ conducts hearings and resolves discovery disputes with the assigned PSSA or MJ law clerk assisting.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Assigned law clerk (either PSSA or MJ law clerk) prepares F&amp;R on dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Handled by DJ chambers.</li> </ul>
	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• DJ law clerk screens petition.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Handled by DJ chambers.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Handled by DJ chambers.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Handled by DJ chambers.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Handled by DJ chambers.</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• Deputy clerk performs initial review for basic filing deficiencies and sends deficiency letters to prisoners if necessary.</li> <li>• Immigration cases are assigned to the immigration PSSA. All others are assigned either a PSSA or an MJ law clerk who screens petition.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• Immigration cases are handled by the immigration PSSA.</li> <li>• All others handed by either a PSSA or an MJ law clerk.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• MJ conducts hearings and resolves discovery disputes with the assigned PSSA or MJ law clerk assisting.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• Assigned law clerk (either PSSA or MJ law clerk) prepares F&amp;R on dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>• Handled by DJ chambers.</li> </ul>
<p><b>DISTRICT OF GUAM</b></p> <p>Contact: <b>Jean G. Quinata,</b> Clerk of Court</p> <p>671.473.9100</p>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Chief Judge's law clerk screens petition and recommends disposition to Chief Judge.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Chief Judge's law clerk drafts scheduling orders and orders on non-dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Chief Judge's law clerk recommends disposition to Chief Judge.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Chief Judge's law clerk makes recommendation on dispositive motions for Chief Judge.</li> </ul>	<p style="text-align: center;"><b><u>2254</u></b></p> <ul style="list-style-type: none"> <li>• Chief Judge's law clerk makes recommendations on post-judgment motions and COA for Chief Judge.</li> </ul>
	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Chief Judge's law clerk screens petition and recommends disposition to Chief Judge.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Chief Judge's law clerk drafts scheduling orders and orders on non-dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Chief Judge's law clerk recommends disposition to Chief Judge.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Chief Judge's law clerk makes recommendation on dispositive motions for Chief Judge.</li> </ul>	<p style="text-align: center;"><b><u>2255</u></b></p> <ul style="list-style-type: none"> <li>• Chief Judge's law clerk makes recommendation on post-judgment motions and COA for Chief Judge.</li> </ul>

## LIFE OF A HABEAS PETITION

Prisoner Habeas Case Management by District	Pre-filing, Initial Review, IFP, Case Tracking	Scheduling Orders, Non-dispositive Motions	Evidentiary Hearings, Discovery	Dispositive Motions, Answer, F&Rs	Final Disposition, COA, Rule 60(b) Motions
	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>Chief Judge's law clerk screens petition and recommends disposition to Chief Judge.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>Chief Judge's law clerk drafts scheduling orders and orders on non-dispositive motions.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>Chief Judge's law clerk recommends disposition for Chief Judge.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>Chief Judge's law clerk makes recommendation on dispositive motions for Chief Judge.</li> </ul>	<p style="text-align: center;"><b><u>2241/other</u></b></p> <ul style="list-style-type: none"> <li>Chief Judge's law clerk makes recommendation on post-judgment motions and CAO for Chief Judge.</li> </ul>

**LIFE OF A PRO SE CASE** (1983 Prisoner Civil Rights)  
 (2012 pro se filing statistics were used for district court percentages)

\* The position of Pro Se Staff Attorney (PSSA) is sometimes referred to as Pro Se Law Clerk (PSLC).

<b>Prisoner Case Management by District</b>	<b>Pre-Filing, Initial Review, and IFP</b>	<b>Service/ADR</b>	<b>Answer Responsive Motion Scheduling Order Discovery</b>	<b>Dispositive Motions</b>	<b>Trial</b>
<p><b>District of Alaska</b></p> <p><b>Contact:</b>  <b>Diane Smith.</b>  <b>Pro Se Staff Attorney</b>  <b>907.677.6135</b>  <b>(32% of civil cases = pro se)</b></p>	<ul style="list-style-type: none"> <li>• Pro Se Staff Attorney (PSSA)* screens cases for all judges</li> <li>• All pro se prisoner cases initially assigned to DJs</li> <li>• Pro Se educational materials are sent to litigants</li> </ul>	<ul style="list-style-type: none"> <li>• AG’s office accepts service for <i>habeas</i> cases</li> <li>• U.S. Marshal serves prisoner <i>civil rights</i> cases</li> <li>• Pilot program for prisoner ADR using an MJ to settle <i>civil rights</i> cases</li> </ul>	<ul style="list-style-type: none"> <li>• Following successful screening, <i>habeas</i> (2254) cases referred to MJ</li> <li>• DJ issues scheduling order and handles discovery in prisoner <i>civil rights</i> cases</li> <li>• MJ handles scheduling orders and motions in <i>habeas</i> cases</li> </ul>	<ul style="list-style-type: none"> <li>• DJ rules on dispositive motions in <i>civil rights</i> cases</li> <li>• MJ drafts R &amp; R for <i>habeas</i> cases</li> </ul>	<ul style="list-style-type: none"> <li>• Cases referred to DJ for trial proceedings and post trial motions</li> </ul>

**LIFE OF A PRO SE CASE** (1983 *Prisoner Civil Rights*)  
 (2012 pro se filing statistics were used for district court percentages)

\* The position of Pro Se Staff Attorney (PSSA) is sometimes referred to as Pro Se Law Clerk (PSLC).

<b>Prisoner Case Management by District</b>	<b>Pre-Filing, Initial Review, and IFP</b>	<b>Service/ADR</b>	<b>Answer Responsive Motion Scheduling Order Discovery</b>	<b>Dispositive Motions</b>	<b>Trial</b>
<p><b>District of Arizona</b></p> <p><b>Contact:</b>  <b>James McKay,</b>  <b>Supervising Pro Se Staff Attorney</b>  <b>602.322.7284</b></p> <p><b>(48% of civil cases = pro se)</b></p>	<ul style="list-style-type: none"> <li>• Centralized Staff Attorneys handle discrete portions of case</li> <li>• Pro Se Case Tracker (stand alone database that tracks status and progress of each case)</li> <li>• PSSA drafts initial review orders for District Judges</li> <li>• Case flags used for deficient IFP filings</li> </ul>	<ul style="list-style-type: none"> <li>• Service order is sent to US Marshal and includes referral to MJ</li> <li>• Supervising Staff Attorney screens cases for early mediation program</li> <li>• Volunteer mediators and MJ conduct prisoner ADR</li> </ul>	<ul style="list-style-type: none"> <li>• MJs are assigned non-dispositive motions which are handled by Chambers clerks. Upon completion, referral to MJ is withdrawn</li> <li>• PSSA continues to work on TROs &amp; PIs</li> </ul>	<ul style="list-style-type: none"> <li>• PSSA drafts MSJ &amp; MTD orders</li> <li>• Pro bono attorney appointed for trial</li> </ul>	<ul style="list-style-type: none"> <li>• Chambers law clerks assist DJs with trial</li> <li>• Post trial motions and appeal are assigned to PSSAs</li> </ul>

**LIFE OF A PRO SE CASE** (1983 *Prisoner Civil Rights*)  
 (2012 pro se filing statistics were used for district court percentages)

\* The position of Pro Se Staff Attorney (PSSA) is sometimes referred to as Pro Se Law Clerk (PSLC).

<b>Prisoner Case Management by District</b>	<b>Pre-Filing, Initial Review, and IFP</b>	<b>Service/ADR</b>	<b>Answer Responsive Motion Scheduling Order Discovery</b>	<b>Dispositive Motions</b>	<b>Trial</b>
<p><b>Central District – California</b></p> <p><b>Contact:</b>  <b>Clerk of Court, Terry Nafisi</b>  <b>213.894.8844</b></p> <p><b>(32% of civil cases = pro se)</b></p>	<ul style="list-style-type: none"> <li>• PSSA assigned to work directly for judges</li> <li>• Clerk’s office reviews National Three-Strikes Database</li> <li>• Prisoner ADR coordinator screens cases for early mediation</li> </ul>	<p>Procedures vary by judge</p>	<p>Procedures vary by judge</p>	<ul style="list-style-type: none"> <li>• Cases surviving MSJ are considered for pro bono counsel appointment</li> <li>• Pro Se Clinic operated by Public Counsel assists with pro bono appointments</li> </ul>	<p>Procedures vary by judge.</p>

**LIFE OF A PRO SE CASE** (1983 Prisoner Civil Rights)  
(2012 pro se filing statistics were used for district court percentages)

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<b>Prisoner Case Management by District</b>	<b>Pre-Filing, Initial Review, and IFP</b>	<b>Service/ADR</b>	<b>Answer Responsive Motion Scheduling Order Discovery</b>	<b>Dispositive Motions</b>	<b>Trial</b>
<p><b>Eastern District – California (Sacramento Division)</b></p> <p><b>Contact: Magistrate Judge Kendall Newman</b></p> <p><b>916.930.4710</b></p> <p><b>(54% of civil cases = pro se)</b></p>	<ul style="list-style-type: none"> <li>• Prisoner civil rights cases assigned to MJ</li> <li>• PSSA works directly with 1-3 MJs</li> <li>• Clerk’s office sends informational order and consent form</li> <li>• Writ clerk or PSSA reviews IFP request. If defective, order is prepared to resolve fee status before screening. If IFP complete, PSSA prepares order granting IFP.</li> <li>• PSSA drafts screening order; F&amp;R for non-consent cases</li> <li>• Plaintiff receives screening order and service forms</li> </ul>	<ul style="list-style-type: none"> <li>• Cases screened for early mediation</li> <li>• US Marshal serves complaint by sending packet directly to the institution’s Litigation Coordinator</li> <li>• Appointment of counsel for limited-purpose</li> </ul>	<ul style="list-style-type: none"> <li>• Answer is filed; MJ issues pre-trial scheduling order</li> <li>• Failure to Exhaust motion filed; MJ rules on motion prior to issuing pre-trial scheduling order</li> <li>• Consent form served on defendants.</li> <li>• Appointment of counsel for limited-purpose</li> </ul>	<ul style="list-style-type: none"> <li>• MSJs handled by MJs; PSSAs research and draft F&amp;Rs on all dispositive motions.</li> <li>• Limited-purpose counsel may be appointed to assist plaintiff with response.</li> <li>• Claims remaining after MSJ set for trial.</li> <li>• Court may conduct a trial confirmation hearing (TCH); PSSA drafts a memo for the TCH and any post-TCH order</li> <li>• Consent to MJ requested again</li> <li>• Case may be referred to mediation or settlement conference.</li> </ul>	<ul style="list-style-type: none"> <li>• PSSA assists with trial preparation, including issuance of writs for witnesses’ attendance.</li> <li>• PSSA may assist with voir dire, preparing jury instructions, and orders on motions in limine.</li> <li>• Pro Bono Program administrator assists counsel with reimbursement requests.</li> <li>• Appointment of counsel for limited-purpose or as standby trial counsel</li> </ul>

**LIFE OF A PRO SE CASE** (1983 Prisoner Civil Rights)  
(2012 pro se filing statistics were used for district court percentages)

\* The position of Pro Se Staff Attorney (PSSA) is sometimes referred to as Pro Se Law Clerk (PSLC).

<b>Prisoner Case Management by District</b>	<b>Pre-Filing, Initial Review, and IFP</b>	<b>Service/ADR</b>	<b>Answer Responsive Motion Scheduling Order Discovery</b>	<b>Dispositive Motions</b>	<b>Trial</b>
<p><b>Eastern District – California (Fresno Division)</b></p> <p><b>Contact: Magistrate Judge Sheila Oberto 559.499.5790</b></p> <p><b>(54% of civil cases = pro se)</b></p>	<ul style="list-style-type: none"> <li>• Civil rights cases assigned to MJ</li> <li>• PSSA works directly with one to three MJs</li> <li>• Clerk’s office reviews National Three-Strikes Database, sends informational order and consent form</li> <li>• Clerk’s office grants IFP request</li> <li>• PSSA drafts screening order; F&amp;R for non-consent cases</li> <li>• Plaintiff receives screening order and service forms</li> </ul>	<ul style="list-style-type: none"> <li>• Screened for early mediation</li> <li>• Marshal serves complaints</li> </ul>	<ul style="list-style-type: none"> <li>• Answer is filed; MJ issues pre-trial scheduling order</li> <li>• Failure to Exhaust motion filed; MJ rules on motion prior to issuing pre-trial scheduling order</li> <li>• Consent form served on defendants</li> <li>• Appointment of counsel for limited-purpose</li> <li>• MJs resolve all discovery disputes – PSSA prepares order re discovery</li> </ul>	<ul style="list-style-type: none"> <li>• MSJs handled by MJs via F&amp; R</li> <li>• Limited-purpose appointment of counsel to assist plaintiff with response</li> <li>• Claims remaining after MSJs set for trial</li> <li>• Second scheduling order is issued and court conducts a telephonic trial confirmation hearing</li> <li>• Consent to MJ requested again</li> <li>• Case may be referred to mediation or settlement conference</li> </ul>	<ul style="list-style-type: none"> <li>• PSSA assists Judge with trial preparation, including issuance of writs for witnesses’ attendance</li> <li>• PSSA assists with voir dire, prepares jury instructions, and orders on motions in limine</li> <li>• Pro Bono Program administrator assists counsel with reimbursement requests</li> </ul>

**LIFE OF A PRO SE CASE** (1983 *Prisoner Civil Rights*)  
 (2012 pro se filing statistics were used for district court percentages)

\* The position of Pro Se Staff Attorney (PSSA) is sometimes referred to as Pro Se Law Clerk (PSLC).

<b>Prisoner Case Management by District</b>	<b>Pre-Filing, Initial Review, and IFP</b>	<b>Service/ADR</b>	<b>Answer Responsive Motion Scheduling Order Discovery</b>	<b>Dispositive Motions</b>	<b>Trial</b>
<p><b>Northern District – California</b></p> <p><b>Contact: Luis Hernandez, Pro Se Staff Attorney 415.522.2078</b></p> <p><b>(33% of civil cases = pro se)</b></p>	<ul style="list-style-type: none"> <li>• Pro se prisoner cases are assigned to PSSAs for all purposes to draft orders for DJ (or MJ if consent)</li> <li>• Pro Se Paralegals attach form letters to defective filings notifying litigants of missing/defective items, which are sent to litigants and filed on ECF.</li> <li>• PSSAs track the cases, drafting IFP and screening orders</li> </ul>	<ul style="list-style-type: none"> <li>• PSSAs draft service orders for assigned DJ directing U.S. Marshal service</li> <li>• All pro se prisoner civil rights cases which survive MSJ are referred to the NDCA Pro Se Prisoner Settlement Program for settlement proceedings held at the prisons by MJ Nandor Vadas</li> </ul>	<ul style="list-style-type: none"> <li>• PSSAs draft orders on all non-dispositive motions for assigned DJ (or MJ if consent)</li> </ul>	<ul style="list-style-type: none"> <li>• PSSAs draft orders on all dispositive motions for assigned DJ (or MJ if consent)</li> </ul>	<ul style="list-style-type: none"> <li>• Cases which survive MSJ but do not settle are referred to Volunteer Legal Services Program of the SF Bar Association to find pro bono counsel</li> <li>• Upon appointment of counsel, case is reassigned from PSSAs to presiding Judge’s law clerks</li> </ul>

**LIFE OF A PRO SE CASE** (1983 *Prisoner Civil Rights*)  
 (2012 pro se filing statistics were used for district court percentages)

\* The position of Pro Se Staff Attorney (PSSA) is sometimes referred to as Pro Se Law Clerk (PSLC).

<b>Prisoner Case Management by District</b>	<b>Pre-Filing, Initial Review, and IFP</b>	<b>Service/ADR</b>	<b>Answer Responsive Motion Scheduling Order Discovery</b>	<b>Dispositive Motions</b>	<b>Trial</b>
<p><b>Southern District – California</b></p> <p><b>Contact: William Stansfield, Pro Se Staff Attorney 619.557.5346</b></p> <p><b>(43% of civil cases = pro se)</b></p>	<ul style="list-style-type: none"> <li>• PSSAs prepare screening orders for DJ prior to service on all matters, including IFP which is treated as dispositive motion</li> <li>• Complaints screened for jurisdiction, venue, frivolousness, maliciousness, and three strikes bar</li> </ul>	<ul style="list-style-type: none"> <li>• If complaint survives screening and IFP has been granted, PSSAs prepare order for DJ directing U.S. Marshal to serve</li> <li>• MJ conducts settlement conferences after close of discovery and before dispositive motions are due</li> </ul>	<ul style="list-style-type: none"> <li>• MJ law clerks assist with discovery issues, appointment of counsel, scheduling, and all other non-dispositive motions in cases which have survived screening and have been served</li> </ul>	<ul style="list-style-type: none"> <li>• Dispositive motions automatically referred to MJs via Local Rule 72.3</li> <li>• If no consent, MJ law clerk prepares R&amp;Rs for DJs</li> <li>• PSSAs draft orders on dispositive motions directly for DJ in lieu of R&amp;Rs</li> </ul>	<ul style="list-style-type: none"> <li>• DJ conducts trial and handles all post-trial motions unless parties have consented to MJ jurisdiction</li> </ul>

**LIFE OF A PRO SE CASE** (1983 Prisoner Civil Rights)  
 (2012 pro se filing statistics were used for district court percentages)

\* The position of Pro Se Staff Attorney (PSSA) is sometimes referred to as Pro Se Law Clerk (PSLC).

<b>Prisoner Case Management by District</b>	<b>Pre-Filing, Initial Review, and IFP</b>	<b>Service/ADR</b>	<b>Answer Responsive Motion Scheduling Order Discovery</b>	<b>Dispositive Motions</b>	<b>Trial</b>
<p><b>District of Hawaii</b></p> <p><b>Contact: Denise Pennick, Pro Se Staff Attorney</b>  <b>808.541.1910</b></p> <p><b>(32% of civil cases = pro se)</b></p>	<ul style="list-style-type: none"> <li>• PSSA is assigned to each case from commencement through completion of MTD for failure to exhaust; case then reverts to chambers clerks</li> <li>• PSSAs handle IFP motions, screening and appointment of counsel.</li> <li>• PSSAs continue to monitor case with discretion to work on any aspect of the case depending on PSSA availability; if unavailable, DJ law clerk assists</li> </ul>	<ul style="list-style-type: none"> <li>• PSSAs draft service orders for MJ directing prisoner to complete forms and send to U.S. Marshal, and monitors cases for waivers</li> <li>• Settlement conferences are “on call” (i.e., requested by parties, set by MJ, or recommended by PSSA)</li> </ul>	<ul style="list-style-type: none"> <li>• PSSAs monitor case and instruct MJ’s courtroom managers to issue scheduling orders when Answer is filed</li> </ul>	<ul style="list-style-type: none"> <li>• PSSAs consult with chambers on dispositive motions depending on PSSA availability; if unavailable, DJ law clerk assists</li> </ul>	<ul style="list-style-type: none"> <li>• PSSAs consult with chambers on trial matters depending on workload; if unavailable, DJ law clerk assists</li> </ul>

**LIFE OF A PRO SE CASE** (1983 Prisoner Civil Rights)  
 (2012 pro se filing statistics were used for district court percentages)

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Prisoner Case Management by District	Pre-Filing, Initial Review, and IFP	Service/ADR	Answer Responsive Motion Scheduling Order Discovery	Dispositive Motions	Trial
<p><b>District of Idaho</b></p> <p><b>Contact:</b>  <b>Janis Dotson,</b>  <b>Lead Staff Attorney</b>  <b>208.334.1172</b></p> <p><b>(41% of civil cases = pro se)</b></p>	<ul style="list-style-type: none"> <li>• Centralized Staff Attorneys handle all aspects of case</li> <li>• Lead Staff Attorney assigns case and establishes deadline</li> <li>• MJ assigned to case at outset; if no consent reassigned to DJ for IRO and IFP</li> <li>• Review National Three-Strikes Database</li> </ul>	<ul style="list-style-type: none"> <li>• Agreement with AG to accept waivers of service for current employees</li> <li>• Marshal serves former employees</li> <li>• Early Mediation Program and delayed IFP for selected cases.</li> <li>• Triage Telephone Conference to: clarify defendants, claims, possible settlement</li> </ul>	<ul style="list-style-type: none"> <li>• Rule 26 exchange appears in IRO for medical cases</li> <li>• Parties mediate discovery disputes with staff attorneys before motion is filed</li> <li>• MJ may issue requests for <i>Spears</i> hearing or <i>Martinez</i> report</li> <li>• Limited-purpose appointments of counsel for discovery and mediation</li> </ul>	<ul style="list-style-type: none"> <li>• Limited-purpose appointments of counsel for motion responses</li> <li>• Appointment of FRE § 703 Expert in some cases</li> <li>• Referral to mediation or settlement conf.</li> <li>• Convert <i>Martinez</i> report to MSJ</li> <li>• Appointment of guardian ad litem (typically for mental health issues)</li> </ul>	<ul style="list-style-type: none"> <li>• Appointment of full-purpose counsel or stand-by attorney</li> <li>• PSLC assists with trial and preparation of jury instructions</li> <li>• Video testimony used in special cases</li> <li>• Reimbursement of litigation expenses through pro bono program funds</li> </ul>

**LIFE OF A PRO SE CASE** (1983 Prisoner Civil Rights)  
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\* The position of Pro Se Staff Attorney (PSSA) is sometimes referred to as Pro Se Law Clerk (PSLC).

Prisoner Case Management by District	Pre-Filing, Initial Review, and IFP	Service/ADR	Answer Responsive Motion Scheduling Order Discovery	Dispositive Motions	Trial
<p><b>District of Montana</b></p> <p><b>Contact: Melissa Hartigan, Supervising Pro Se Staff Attorney 406.829.7138</b></p> <p><b>(40% of civil cases = pro se)</b></p>	<ul style="list-style-type: none"> <li>• One PSSA is assigned all prisoner civil rights cases.</li> <li>• CM/ECF flags are used to trigger email notices to PSSA of new case filing</li> <li>• DJ assigned and case referred to an MJ when opened</li> <li>• Clerk's office sends plaintiff a Notice of Case Opening</li> <li>• Appointment of counsel is considered <i>sua sponte</i></li> <li>• In a final R&amp;R, MJ includes an assessment of a strike</li> <li>• Pleading is also screened for failure to state a claim</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Corrections counsel or counsel for the private prison are asked to waive service of the summons</li> <li>• If no waiver, service by US Marshals</li> </ul>	<ul style="list-style-type: none"> <li>• Scheduling order setting discovery and motions deadlines is issued when all served parties have appeared. No pretrial conference is held</li> <li>• In cases referred to MJ, consent election is conducted after all served parties have appeared</li> </ul>	<ul style="list-style-type: none"> <li>• If no consent to MJ, case remains on referral to MJ for all pretrial proceedings. PSSA works with MJ on all pretrial issues including dispositive motions. DJ law clerks work with their judge in reviewing the MJ's R&amp;R</li> <li>• Trial scheduling order is issued only if the case is not resolved on motion</li> </ul>	<ul style="list-style-type: none"> <li>• PSSA continues on the case, standing in for the DJ's clerk at trial and any post-judgement motions</li> </ul>

**LIFE OF A PRO SE CASE** (1983 Prisoner Civil Rights)  
 (2012 pro se filing statistics were used for district court percentages)

\* The position of Pro Se Staff Attorney (PSSA) is sometimes referred to as Pro Se Law Clerk (PSLC).

<b>Prisoner Case Management by District</b>	<b>Pre-Filing, Initial Review, and IFP</b>	<b>Service/ADR</b>	<b>Answer Responsive Motion Scheduling Order Discovery</b>	<b>Dispositive Motions</b>	<b>Trial</b>
<p><b>District of Nevada</b></p> <p><b>Contact: Magistrate Judge Valerie Cooke</b>  <b>775.686.5855</b></p> <p><b>(36% of civil cases = pro se)</b></p>	<ul style="list-style-type: none"> <li>• Case assigned to a DJ and MJ then cases are evenly distributed and assigned to individual PSSAs</li> <li>• PSSA reviews IFP applications and all initial filings</li> <li>• Review of National Three-Strikes Database</li> <li>• Inmate Early Mediation Program: when screening order issued, IFP ruling is deferred and case stayed for 90 days to allow for mediation</li> </ul>	<ul style="list-style-type: none"> <li>• Handled by chambers (not PSSAs)</li> <li>• Complaint and screening order served on the Office of the Attorney General and are directed to advise court within 21 days whether they will enter a limited notice of appearance on behalf of defendants for purposes of mediation.</li> </ul>	<ul style="list-style-type: none"> <li>• Handled by chambers (not PSSAs)</li> </ul>	<ul style="list-style-type: none"> <li>• Handled by either the DJ or MJ on a referral for a R&amp;R, depending on the practice of the particular division (Reno or Las Vegas)</li> </ul>	<ul style="list-style-type: none"> <li>• Handled by chambers (not PSSAs)</li> </ul>
<p><b>District of Oregon</b></p> <p><b>Contact:</b></p> <p><b>(24% of civil cases = pro se)</b></p>	Information Pending	Information Pending	Information Pending	Information Pending	Information Pending

**LIFE OF A PRO SE CASE** (1983 *Prisoner Civil Rights*)  
 (2012 pro se filing statistics were used for district court percentages)

\* The position of Pro Se Staff Attorney (PSSA) is sometimes referred to as Pro Se Law Clerk (PSLC).

<b>Prisoner Case Management by District</b>	<b>Pre-Filing, Initial Review, and IFP</b>	<b>Service/ADR</b>	<b>Answer Responsive Motion Scheduling Order Discovery</b>	<b>Dispositive Motions</b>	<b>Trial</b>
<p><b>Eastern District of Washington</b></p> <p><b>Contact: Magistrate Judge Cynthia Imbrogno 509.458.5240</b></p> <p><b>(30% of civil cases = pro se)</b></p>	<ul style="list-style-type: none"> <li>• Case administrator reviews prisoner cases for basic filing deficiencies and sends deficiency letters to prisoners, as needed.</li> <li>• PSSAs prepare IFP orders and screen for jurisdiction, failure to state a claim, frivolousness, maliciousness and three strikes bar</li> </ul>	<ul style="list-style-type: none"> <li>• PSSAs prepare order for DJ on cases which survive screening, directing U.S. Marshal to send “service packet” to defendants which includes a request for waiver of service. Marshal is directed to retain original summons in case personal service is required.</li> </ul>	<ul style="list-style-type: none"> <li>• Post-service motions handled by elbow clerks, with PSSAs available for consultation</li> </ul>	<ul style="list-style-type: none"> <li>• MJs prepare R&amp;Rs on dispositive motions, with PSSAs available for consultation</li> </ul>	<ul style="list-style-type: none"> <li>• Chamber clerks handle trial and post-trial motions with PSSAs available for consultation</li> </ul>

**LIFE OF A PRO SE CASE** (1983 *Prisoner Civil Rights*)  
 (2012 pro se filing statistics were used for district court percentages)

\* The position of Pro Se Staff Attorney (PSSA) is sometimes referred to as Pro Se Law Clerk (PSLC).

<b>Prisoner Case Management by District</b>	<b>Pre-Filing, Initial Review, and IFP</b>	<b>Service/ADR</b>	<b>Answer Responsive Motion Scheduling Order Discovery</b>	<b>Dispositive Motions</b>	<b>Trial</b>
<p><b>Western District of Washington</b></p> <p><b>Contact: Magistrate Judge James Donohue 206.370.8940</b></p> <p><b>(26% of civil cases = pro se)</b></p>	<ul style="list-style-type: none"> <li>• Case administrator reviews prisoner cases for basic filing deficiencies and sends deficiency letters to prisoners, as needed</li> <li>• All prisoner cases are divided between PSSAs and MJ law clerks who prepare R&amp;Rs on IFP, screening, or orders declining to serve and granting leave to amend to cure deficiencies</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned law clerk or PSSA prepares service order which includes <i>Rand</i> and <i>Wyatt</i> notices, and is accompanied by MJ consent forms</li> <li>• Service is effected, when possible, by requesting waiver of service</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned law clerk or PSSA works with MJ on all pre-trial matters, including scheduling and other non-dispositive motions</li> </ul>	<ul style="list-style-type: none"> <li>• Assigned lawclerk or PSSA works with MJ to prepare R&amp;R on dispositive motions</li> </ul>	<ul style="list-style-type: none"> <li>• MJ manages case until joint pretrial statement is filed, when DJ takes over case</li> </ul>

**LIFE OF A PRO SE CASE** (1983 *Prisoner Civil Rights*)  
 (2012 pro se filing statistics were used for district court percentages)

\* The position of Pro Se Staff Attorney (PSSA) is sometimes referred to as Pro Se Law Clerk (PSLC).

<b>Prisoner Case Management by District</b>	<b>Pre-Filing, Initial Review, and IFP</b>	<b>Service/ADR</b>	<b>Answer Responsive Motion Scheduling Order Discovery</b>	<b>Dispositive Motions</b>	<b>Trial</b>
<p><b>Guam</b></p> <p><b>Contact: Jean G. Quinata, Clerk of Court</b>  <b>671.473.9100</b>  <b>(20% of civil cases = pro se)</b></p>	<ul style="list-style-type: none"> <li>• PSSA is responsible for all prisoner cases, which are assigned to the Chief Judge</li> <li>• PSSA reviews IFP motions, and screens for subject matter jurisdiction, frivolousness, etc.</li> <li>• PSSA responds to inquiries from pro se litigants and assists in completing forms</li> </ul>	<ul style="list-style-type: none"> <li>• PSSA prepares a recommended disposition for Chief Judge with respect to service</li> </ul>	<ul style="list-style-type: none"> <li>• PSSA prepares a recommended disposition for Chief Judge with respect to scheduling and all non-dispositive motions</li> </ul>	<ul style="list-style-type: none"> <li>• PSSA prepares a recommended disposition for Chief Judge on all dispositive motions</li> </ul>	<ul style="list-style-type: none"> <li>• PSSA prepares a recommended disposition for Chief Judge on all trial and post-trial matters</li> </ul>

**LIFE OF A PRO SE CASE** (1983 *Prisoner Civil Rights*)  
 (2012 pro se filing statistics were used for district court percentages)

\* The position of Pro Se Staff Attorney (PSSA) is sometimes referred to as Pro Se Law Clerk (PSLC).

<b>Prisoner Case Management by District</b>	<b>Pre-Filing, Initial Review, and IFP</b>	<b>Service/ADR</b>	<b>Answer Responsive Motion Scheduling Order Discovery</b>	<b>Dispositive Motions</b>	<b>Trial</b>
<p><b>Northern Mariana Islands</b></p> <p><b>Contact:</b>  <b>Clerk of Court and Magistrate Judge, Heather L. Kennedy</b></p> <p><b>(9% of civil filings = pro se)</b></p>	<p>Information Pending</p>	<p>Information Pending</p>	<p>Information Pending</p>	<p>Information Pending</p>	<p>Information Pending</p>

## The Ninth Circuit District Court Pro Bono Plans

- A. **Pro Bono Panel**.....[D. Idaho](#)  
[S.D. Cal.](#)  
[D. Mont.](#)  
[D. Or.](#)  
[W.D. Wash.](#)
- B. **Nonprisoner Civil Rights Case Screening Committee**.....[D. Idaho](#)  
[W.D. Wash.](#)
- C. **Appointment Procedure in Nonprisoner Civil Rights Cases**.....[D. Alaska](#)  
[D. Ariz.](#)  
[C.D. Cal.](#)  
[E.D. Cal.](#)  
[N.D. Cal.](#)  
[S.D. Cal.](#)  
[D. Idaho](#)  
[D. Mont.](#)  
[D. Or.](#)  
[W.D. Wash.](#)
- D. **Limited Appointment Process/Early Mediation**.....[E.D. Cal.](#)  
[N.D. Cal.](#)  
[D. Haw.](#)  
[D. Idaho](#)  
[D. Mont.](#)  
[D. Nev.](#)  
[D. Or.](#)  
[W.D. Wash.](#)
- E. **Prisoner Civil Rights Cases**.....[C.D. Cal.](#)  
[E.D. Cal.](#)  
[N.D. Cal.](#)  
[S.D. Cal.](#)  
[D. Or.](#)  
[W.D. Wash.](#)
- F. **Prisoner Civil Rights Litigation Mediation Projects**.....[D. Idaho](#)

[E.D. Cal.](#)  
[N.D. Cal.](#)  
[S.D. Cal.](#)  
[D. Mont.](#)  
[D. Or.](#)

**G. Prisoner E-Filing Projects**.....[Implementation Strategies](#)

[D. Ariz.](#)  
[D. Idaho](#)

**H. Federal Court Affiliated Legal Clinics**.....[C.D. Cal.](#)

[N.D. Cal.](#)  
[D. Idaho](#)  
[D. Or.](#)  
[D. Nev.](#)  
[W.D. Wash.](#)

**I. Law Student Volunteer Legal Clinics** .....[D. Idaho](#)

[C.D. Cal.](#)

**J. Foreclosure Pro Bono Program**.....[D. Haw.](#)

[W.D. Wash.](#)

**K. Interpreter Services**.....[D. Idaho](#)

**L. Mentorship Programs**.....[D. Ore.](#)

**M. District Pro Bono Contacts**.....[District Courts](#)

## **The District of Alaska's Pro Bono Plan**

### **Pro Bono Contacts for the District of Alaska:**

Deborah Smith  
United States Magistrate Judge  
222 West 7th Avenue, Box 6  
Anchorage, AK 99513  
(907) 677-6256  
Deborah\_M\_Smith@akd.uscourts.gov

#### **I. PRO BONO PROGRAM**

The Alaska district court works with the Alaska Legal Services Corporation which provides free legal services in some types of civil cases for qualifying low income individuals. They also work with the Alaska Pro Bono Program (APBP), a stand-alone non-profit, which was formed in 2000. The APBP's current caseload includes civil matters for prisoners and foreign nationals, class action suits, and assistance to 501(c)(3) non-profit organizations. APBP volunteers include one-time case consultations, mediation, representing clients in court, instructing at a legal clinic, mentoring other attorneys, co-counsel a major case, or helping recruit attorneys and place cases. APBP provides malpractice insurance to its volunteers and covers limited litigation costs.

#### **Section 1. Appointment**

All referred cases are carefully screened by the district court. The Court considers several factors prior to referral: (1) whether a litigant is within the low-income guidelines for volunteer counsel; (2) whether a litigant has made a reasonable attempt to find a lawyer without success; (3) whether a litigant's case has a reasonable possibility of success on the merits; and (4) whether a litigant's case is so factually and legally complex that they need a lawyer to articulate their claims.

## **The District of Arizona's Pro Bono Plan**

### **Pro Bono Contact for the District of Arizona:**

Charles R. Pyle  
United States Magistrate Judge  
405 W. Congress Street, Suite 5660  
Tucson, AZ 85701-5033  
(602) 322-7620  
Charles\_Pyle@azd.uscourts.gov

#### **I. PRO BONO PROGRAM**

Established in 2007 for the handling by counsel of a limited number of pro se cases. The program, suggested to and then coordinated for the District Court by the Lawyer Representatives of the District of Arizona, matches willing law firms and counsel with pro se lawsuits that District Judges and Magistrate Judges determine would benefit particularly from the appointment of counsel. A majority of the cases are civil rights lawsuits brought by presently or formerly confined persons, but others present family law, employment law, or other issues. Volunteers have reported at District Conferences and to the coordinators that the deposition and trial opportunities in this program provide excellent training and mentoring opportunities for up-and-coming lawyers, while serving the District Court and indigent litigants. As an added bonus, with the permission of the Ninth Circuit's Office of the Circuit Executive, firms or lawyers who actually take one or more of these pro bono cases receive a priority above other volunteers for pro se matters in the Ninth Circuit's parallel program, in which argument before the Ninth Circuit is guaranteed and travel to that argument paid for lawyers practicing within the Ninth Circuit.

#### **Section 1. Appointment Procedure**

The District Court may appoint pro bono counsel for an indigent pro se litigant in a civil case. Pro se litigants can ask the Court by a motion to appoint pro bono counsel. The District Court then sometimes asks the coordinators of the Pro Bono Program to attempt to find an attorney who is willing to represent the pro se litigant on a pro bono basis. Volunteering merely means that a law firm or lawyer will periodically receive e-mails summarizing available cases, which volunteer counsel are free to choose among and reject; there is no appointment against the wishes of potential volunteers, merely opportunities for them to examine. Appointment of counsel is infrequent, and the Program is not always able to find volunteer attorneys when asked.

**Section 2. Reimbursement**

Pro bono counsel appointed by the court may seek reimbursement for reasonable costs and fees. Reimbursement is limited to \$3000 and the court generally will not reimburse expert witness fees.

**Section 3: Prisoner E-Filing**

[GENERAL ORDER 13-11](#)

## **The Central District of California's Pro Bono Plan**

### **Pro Bono Contacts for the Central District of California:**

Carla Woehrle  
United States Magistrate Judge  
312 N. Spring St.  
Los Angeles, CA 90012  
(213)-894-6825  
Carla\_Woehrle@cacd.uscourts.gov

Terry Nafisi  
Clerk of the Court and District Court Executive  
312 N. Spring St.  
Los Angeles, CA 90012  
(213) 894-8844  
tnafisi@cacd.uscourts.gov

#### **I. PRO BONO PROGRAM**

##### **Section 1. Pro Bono Prisoner Civil Rights Panel**

In 1999, the United States District Court for the Central District of California created a volunteer panel of private law firms to represent plaintiffs in prisoner civil rights cases filed pursuant to 42 U.S.C. § 1983 or *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388, 91 S. Ct. 1999, 29 L. Ed. 2d 619 (1971).

##### **Section 2. Appointment Procedure**

These cases are only referred for appointment after the prisoner's case has survived a dispositive motion or if the assigned judge determines that the appointment of counsel is appropriate in a particular case. Thus, by the time an appointment is made, a judge has determined that a material issue of fact exists for trial and that the plaintiff's claims may have merit. If the attorney accepts the appointment, he or she may move to re-open discovery, but generally the appointed attorney appears for the purpose of representing the plaintiff at a settlement conference and trial.

Participation on the Panel is particularly appealing to those law firms with associates desiring an immediate opportunity to strengthen their trial skills before a jury or federal judge. Panel members are expected to take at least one case a year.

##### **Section 3. Reimbursement**

Counsel may be reimbursed up to \$10,000.00 for costs expended in prosecuting a case. In addition, if the plaintiff obtains a judgment in his favor, the law firm may seek attorney's fees from the defendants.

## **Section 4. Links to General Orders**

[General Order No. 07-07: Access to Libraries](#)

[General Order No. 09-09: Establishing Prisoner Settlement Program](#)

[General Order No. 11-10: Alternative Dispute Resolution Program](#)

### **II. PRO SE CLINIC:**

Each of the Central District courthouses – Los Angeles, Santa Ana, and Riverside – has an on-site federal Pro Se Clinic. The Pro Se Clinic offers on site information and guidance to individuals who are representing themselves in federal civil actions. The Pro Se Clinic is administered by a nonprofit law firm, Public Counsel (not the Court) and offers legal representation (and/or placement with volunteer non-paid attorneys) to qualifying individuals in selected cases in addition to offering information and guidance to pro se litigants. Public Counsel administers the Pro Se Clinic in Los Angeles.

Cases are placed with a volunteer attorney only in limited circumstances, and there is no guarantee of legal representation. The Clinic also enjoys a steady stream of volunteer law students. The Clinic also enjoys a steady stream of volunteer law students. The Clinic is open to the public on a walk-in basis three days a week, on Mondays, Wednesdays, and Fridays, from 10 a.m. to 4 p.m. The Los Angeles Clinic is open to the public on a walk-in basis three days a week, on Mondays, Wednesdays, and Fridays, from 9:30 a.m. to 12:00 noon and from 2:00 p.m. to 4:00 p.m. The clinic has coordinated with the Court's IT department making forms available in the Clinic's public area. Litigants can draft their pleadings on the computer and print them.

## **The Eastern District of California's Pro Bono Plan**

### **Pro Bono Contacts for the Eastern District of California:**

Kendall J. Newman  
United States Magistrate Judge  
501 I Street  
Sacramento, CA 95814  
KNewman@caed.uscourts.gov

Sujean Park  
ADR and Pro Bono Program Director  
501 I Street, Suite 4-200  
Sacramento, California 95814  
(916) 930-4278  
spark@caed.uscourts.gov

#### **I. PRO BONO PROGRAM**

##### **Section 1. Pro Bono Prisoner Civil Rights Panel**

In 1988, the Eastern District of California first organized a panel of attorneys available for appointment in cases filed by pro se inmate plaintiffs. Since that time, the Court has taken additional steps to expand the panel; the panel (as of February 2013), consists of 262 members.

**(a) Individual Application.** Panel members are expected to take at least one case approximately every three years. Although the Court anticipates many of the appointments will occur toward the end of the litigation process, in some instances, such as where the issues are particularly complex or the appointment is for a limited purpose, the Court may make an appointment at an earlier point in the litigation process. Thus, it is anticipated that representation in one of these cases should require a relatively limited cost and time commitment.

**(b) Eligibility.** The pro bono panel is open to those members of the California bar admitted to practice in the Eastern District and willing to serve. Counsel shall be appointed on a rotating basis, taking into account the proximity of counsel's office to both the client and the court in which the action is pending. ([General Order 230](#)).

**(c) Recruitment.** Attorneys are recruited in a number of ways; however, there are three specific ways which attorneys are recruited (among various others).

(i) Website:

The Court has developed an online submission form for attorneys interested in serving on the court's pro bono attorney panel. The site allows attorneys to indicate their interest in accepting cases from a particular division, as well as the type of appointment the attorney is willing to accept. The

attorney will also enter their last name and Bar number, and will be added to the pro bono panel. If the attorney is not admitted to practice in the District, the attorney will receive an error message.

(<http://www.caed.uscourts.gov/probono/web/probono.htm>)

(ii) Chief Judge Email/Letter:

From time to time, the Chief District Judge sends out a letter via email to all attorneys admitted to practice in the District informing the attorneys of the pro bono panel, the panel's purpose, and inviting them to join the panel.

Attorneys are directed to the online sign-up website or to contact the Court's Pro Bono Program Director (see exhibit 4). After an attorney signs up for the panel, he or she is emailed a "thank you" letter signed by the Chief District Judge (see exhibit 5).

(iii) Events:

During the year, events are hosted by the local bar association chapters and law firms. At these events, various court representatives present information concerning the pro bono panel. Attorneys attending these events have the opportunity to complete forms to join the Court's pro bono panel (see exhibit 6).

## **Section 2. Appointments in Prisoner Civil Rights Cases**

**(a) Appointment Type.**

(i) General:

A general pro bono attorney appointment is the standard type of appointment order issued. The attorney is anticipated to accept the case wherever it is in the litigation process and the appointment continues through the completion of the case.

(ii) Limited Purpose:

This District has identified certain times in the litigation process where it may be helpful to appoint pro bono counsel on a limited basis. These limited appointments include drafting/amending a complaint, attending a settlement conference, participating only in the trial, and other areas where the court finds that limited appointment of pro bono counsel may be helpful.

- (A) *Draft/Amend Complaint.* An attorney is appointed for the limited purpose of assisting the plaintiff to draft or amend the complaint. The appointment is generally completed once the complaint or amended complaint has been filed.
- (B) *Settlement.* An attorney is appointed for the limited purpose of assisting the plaintiff with settlement negotiations in a court ordered settlement conference. The appointment is generally completed once the settlement conference has ended, or a specified time (generally no more than 30 days) after the completion of the settlement conference.
- (C) *Trial.* An attorney is appointed for the limited purpose of trying the case, generally before a jury. The appointment is completed once the jury has returned a verdict.

**(b) Selection/Appointment Procedure.**

The Court's pro bono panel is primarily intended for indigent pro se prisoner 42 U.S.C. §1983 civil rights cases filed in this District where the plaintiff has been unable to obtain counsel on his own. The plaintiff must file a motion for the appointment of counsel.<sup>1</sup> If the presiding judge issues an order granting the motion for counsel, the order will indicate the type of pro bono attorney appointment to occur, and order the pro bono program director to attempt to locate counsel willing to accept the case on a pro bono basis. Occasionally, the judges also request pro bono counsel to handle non-prisoner cases.

The pro bono database of attorneys includes the geographic location (courthouse) from which the attorney is willing to accept a case, whether the attorney is willing to take a general and/or limited purpose appointment, and includes the type of limited appointments the attorney is willing to accept, if applicable. The database also keeps a record of appointments, including dates, and any cases which the attorney may have been asked to accept on a pro bono basis, but declined, and the reason the attorney declined, if one was provided.

A list of attorneys is pulled from the database depending on the courthouse in which the case is pending, and the type of appointment being sought by the presiding judge. An attorney is randomly selected from the list and the Pro Bono Program Director contacts the attorney with the case and appointment (general/limited) information. The attorney is given the opportunity to review the case and type of appointment and elect to accept appointment to the case or to decline. If the attorney accepts the case, an appointment order is drafted by the Pro Bono Program Director, signed by the presiding judge, docketed, and mailed to both the plaintiff and the appointed attorney. An email from the pro bono office is sent to the appointed attorney with

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<sup>1</sup> Occasionally the pro bono program will receive a direct request for representation from a pro se plaintiff. A letter is sent in response (see exhibit 7) informing plaintiff that he must file a motion for the appointment of counsel, and that if any appointment motion is granted by the presiding judge, it is on a voluntary basis, as counsel cannot be required to represent an indigent pro se plaintiff in a civil case.

information concerning General Order 510, reimbursable expenses, and the Transcript Reimbursement Fund (see exhibit 8).

If the attorney declines to accept appointment to the case, another attorney is randomly selected from the list and contacted with the case and appointment information.

### **Section 3. Withdrawal**

Requests to withdraw as counsel by a court appointed pro bono attorney in a 42 U.S.C. §1983 prisoner civil rights case are governed under Local Rule 182. Unless otherwise provided, an attorney who has appeared may not withdraw leaving the client in propria persona without leave of court upon noticed motion and notice to the client and all other parties who have appeared. The attorney shall provide an affidavit stating the current or last known address or addresses of the client and the efforts made to notify the client of the motion to withdraw. Withdrawal as attorney is governed by the Rules of Professional Conduct of the State Bar of California, and the attorney shall conform to the requirements of those Rules. The authority and duty of the attorney of record shall continue until relieved by order of the Court issued hereunder. Leave to withdraw may be granted subject to such appropriate conditions as the Court deems fit (see [Local Rule 182](#)).

Additionally, upon motion by the appointed attorney, the presiding judge may refer the motion to withdraw to another district judge or magistrate judge to hear the motion to withdraw ex parte and in camera ([General Order 230](#)).

### **Section 4. Expense Reimbursement**

**(a) General Order 521.** Upon appointment as pro bono counsel on behalf of indigent pro se civil litigants, an attorney acting as appointed pro bono counsel for indigent pro se civil litigants may petition the Court for reimbursement from the Fund of certain expenses incurred. Such reimbursement shall be governed exclusively by the provisions of General Order 510, adopted September 29, 2011 (see [General Order 521](#)).

**(b) General Order 510.** An attorney acting as appointed pro bono counsel for indigent pro se civil litigants may petition the Court for reimbursement from the Court's Non-Appropriated Fund (Fund) of certain expenses incurred. Such reimbursement shall be governed exclusively by the provisions of this General Order (see [General Order 510](#)).

### **Section 5. Completion of Appointment**

At the completion of an attorney appointment on a case, when the case has been closed or the attorney has completed/fulfilled the requirements of a limited appointment, a "thank you" letter is mailed from the pro bono program director, along with a survey to receive feedback from the attorney concerning the experience he had as a pro bono attorney on the case (see exhibits 14 & 15).

**Section 6. Pro Bono Program Exhibits**

[The Eastern District of California's Pro Bono Program Exhibits.](#)

## **The Northern District of California's Pro Bono Plan**

### **Pro Bono Contacts for the Northern District of California:**

Edward Chen  
United States District Judge  
450 Golden Gate Ave.  
San Francisco, CA 94102  
(415) 522-4050  
Edward\_chen@cand.uscourts.gov

#### **I. PRO BONO PROGRAM**

The Northern District of California has paired with two non-profit organizations to provide legal assistance to *pro se* litigants in its district. In 2008, the Northern District joined the Volunteer Legal Services Program of the Bar Association of San Francisco in creating the Federal Pro Bono Project ("Project") to provide services to litigants with cases in the San Francisco and Oakland courthouses. In 2010, the Northern District joined Pro Bono Project Silicon Valley in creating the Federal Legal Assistance Self Help ("FLASH") to provide services to litigants with cases in the San Jose courthouse. The Project/FLASH offer limited one-on-one legal assistance to *pro se* litigants. The Project/FLASH also attempt to secure *pro bono* representation for any civil litigant who the Court refers for placement. The Northern District's General Order 25 and the Federal Pro Bono Project Guidelines govern the appointment and reimbursement of *pro bono* counsel.

#### **Section 1. Limited-Scope Legal Services**

The Project/FLASH provide a broad range of legal services to non-prisoner *pro se* litigants. Anyone who represents him/herself in a civil case in the San Francisco, Oakland or San Jose Divisions of the Northern District, or who is considering filing a complaint there, may seek assistance. The Project is located in the San Francisco courthouse and FLASH is located at the San Jose courthouse. The service is not available to litigants who have legal representation or are incarcerated. There is no income ceiling to be eligible for the service. The service is by appointment only and clients can make appointments over the telephone or in an appointment book located outside the office. There is some availability for drop-in appointments.

A staff attorney meets with clients individually in a private office located at the respective courthouse. Services are tailored to each client and can include basic procedural advice, drafting pleadings and discovery requests, editing documents drafted by clients, legal research, and providing appropriate referrals, including social services. To assist clients, the Project has created numerous templates including templates for complaints, answers, motions, initial disclosures, case management statements, and basic written discovery requests. Some templates are available on the Northern District's website but others are reserved for clients during consultations so staff can provide detailed assistance.

The Project/FLASH do not represent clients. Anyone who utilizes the service continues to represent him/herself. The Project/FLASH will not monitor deadlines or filings, conduct investigations, or negotiate or appear in court on the litigant's behalf. The Project/FLASH also cannot answer questions about bankruptcy, criminal, appeals, or state court cases.

## **Section 2. Pro Bono Placement**

At the request of a judge, the Project/FLASH arrange *pro bono* counsel for *pro se* litigants, both plaintiffs and defendants. Cases may involve any civil cause of action that can be heard in federal court, including prisoner civil rights cases. Appointments may be for full-scope or limited-scope representation, including representation at a settlement conference before a Magistrate Judge or opposing a dispositive motion.

Litigants seeking *pro bono* representation must be *in propria persona*, must not have the financial resources to retain counsel, must have used reasonable, but unsuccessful, efforts to retain private counsel, and the presiding judge has determined the case warrants *pro bono* representation. It is also critical that the litigant be able to work well with counsel.

Attorneys who wish to provide pro bono services simply contact the Project/FLASH. Attorneys are required to have five years of litigation experience in federal or state court or must find someone with the requisite experience to closely mentor them. The volunteer attorneys receive periodic emails with *pro bono* opportunities. Attorneys who are interested in a case are asked to run a conflicts check. Once pro bono counsel is identified, the Court issues an order appointing counsel.

The Northern District's General Order 25 governs the appointment and reimbursement of pro bono counsel. Judges may reimburse up to \$15,000 of reasonable and necessary expenses incurred by *pro bono* counsel. The Northern District has also developed the Federal Pro Bono Project Guidelines which further details the scope of pro bono representation in this district. Both of these documents are attached here.

## **Section 4. Guidelines**

[Guidelines for the Federal Pro Bono Project of the United States District Court Northern District of California.](#)

## **Section 5. Rules and Regulations**

[General Order 25.](#)

## **The Southern District of California's Pro Bono Plan**

### **Pro Bono Contact for the Southern District of California:**

Jan M. Adler  
United States Magistrate Judge  
333 West Broadway  
San Diego, CA 92102  
(619) 557-5585  
jan\_adler@casd.uscourts.gov

#### **I. PRO BONO PROGRAM**

##### **Section 1. Pro Bono Panel**

**(a) Selection of attorneys to serve on Pro Bono Panel.** The U.S. District Court for the Southern District of California will receive applications from law firms and attorneys willing to serve on a pro bono panel to provide representation to indigent civil plaintiffs. The Federal Bar Association - San Diego ("FBA-SD") and the Court will review the applications and compile a list of law firms and attorneys to participate on the pro bono panel. The factors to be considered in determining whether to include a law firm or attorney on the pro bono panel include the following:

- i. For a law firm, the number of attorneys who are admitted to the bar of this Court and willing to serve as pro bono counsel;
- ii. For attorneys, the length of time he or she has been a member of the bar of this Court;
- iii. The law firm or attorney's litigation and trial experience (civil or criminal);
- iv. The availability of personnel within a law firm or attorney's office, to consult and advise in languages other than English.

Once a law firm or attorney has been selected to serve on the pro bono panel, they will remain on the panel for a period of at least two years. The Court will solicit applications for new law firms and attorneys to serve on a panel on a rolling, as need basis. Any law firm or attorney who is placed on the pro bono panel should be willing to accept appointment, unless there exists a conflict, or unless the law firm or attorney has previously been appointed within the last two years.

**(b) Selection of cases appropriate for appointment of counsel.** The assigned judge in a civil case filed by an indigent *pro se* litigant will determine whether such case is appropriate for the appointment of pro bono counsel, upon consideration of the following:

- 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 factually and legally, including the need for factual investigation and evidentiary presentation at motions or trial.
- iv. Whether the *pro se* party has another case pending before this Court and, if so, whether counsel has been appointed in such case;
- v. The degree to which the ends of justice will be served by appointment of counsel, including the extent to which the Court may benefit from the appointment; and
- vi. Any other factors deemed appropriate.

In addition, unless the Court determines based upon the above factors that counsel is not necessary, the Court may appoint counsel for purposes of trial as a matter of course in each prisoner civil rights case where summary judgment has been denied.

Nothing herein prevents the assigned judge from appointing counsel if it is apparent from the pleadings or other materials before the Court that the *pro se* civil plaintiff has mental or other disabilities substantially interfering with his or her ability to present the factual and legal claims and making an appropriate application for appointment of counsel.

**(c) Method of selection of counsel from the Pro Bono Panel.** The Court will maintain a random-ordered list of law firms and attorneys who have been selected for the pro bono panel. When a judge determines appointment of pro bono counsel would be appropriate in a particular case, the judge's staff will prepare an historical memorandum, summarizing the procedural and factual history of the case as well as the nature of the legal claims asserted. The judge will forward this historical memorandum to the Court's pro bono administrator, who will transmit such memorandum along with a "Notice of Selection for Pro Bono Representation" to the next listed law firm or attorney on the random-ordered list.

**(d) Investigation of claim and acceptance of case.** Within three weeks after receipt of the Notice, the selected Panel law firm or attorney will conduct a conflict check as well as an initial review and investigation of the civil plaintiff's claims. Thereafter, the panel law firm or attorney must return to the pro bono coordinator the "Pro Bono Panel Response Form," indicating (a) appointment is accepted, (b) appointment cannot be accepted due to a conflict, or (c) appointment cannot be accepted for another reason (such reason to be specified in the

Response Form). Absent a conflict or the presence of exceptional circumstances, panel law firms and attorney are expected to accept appointment.

If the law firm or attorney cannot accept the appointment, the pro bono administrator will select the next listed law firm or attorney on the random-ordered list, and repeat the Notice Process. Once a Panel law firm or attorney has accepted the appointment, the Court will notify the pro se litigant and enter an order of appointment.

**Section 2. Reimbursement of expenses.** Local Civil rule 83.8(a)(2) provides that pro bono counsel may be reimbursed for their necessarily incurred out-of-pocket expense.

**Section 3. Rules and Regulations**

(a) **Local Rule 83.8.**

*The provisions of this Plan are to be broadly interpreted in the interests of justice. Nothing herein is intended to limit (a) the ability of the Court to make alternative provisions for the appointment of counsel, (b) the ability of pro se litigants to represent themselves, or (c) the ability of counsel to request to be relieved if circumstances so require.*

## **The District of Guam's Pro Bono Plan**

### **I. PRO BONO PROGRAM**

The district does not have a formal program.

## The District of Hawaii's Pro Bono Plan

### Pro Bono Contact for the District of Hawaii:

Kevin Chang  
United States Magistrate Judge  
300 Ala Moana Blvd.  
Honolulu, HI 96850  
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kevin\_chang@hid.uscourts.gov

#### I. PRO BONO PROGRAM

##### Section 1. Appointment of Pro Bono Counsel

Does not have a formal pro bono program. However, judges have, on a case-by-case basis, inquired whether attorneys would be willing to take on representation or to assist a plaintiff in a limited representation, usually in settlement conferences.

##### Section 2. Foreclosure Matters & Triage Orders

**(a) Pilot Project/Purpose.** The district started the triage conference for foreclosure matters in July 2011. It was multi-purposed:

- i. To save family homes in our community;
- ii. As a useful case management tool;
- iii. To prevent the filing of premature or unnecessary motions to dismiss and summary judgment motions which clogged District Judges' calendars; and
- iv. To assist borrowers' and lenders' counsel by providing an opportunity which required their respective clients to focus on cases and make them more responsive to the loan modification process.

**(b) Procedure.** It requires hands on attention by a Magistrate Judge, but follow up conferences can be done by telephone to save time. In some cases, the process can be complicated by different levels of authority on the lender side of the case, but it really starts with the plaintiff/borrower committing to the process and promptly completing the loan application and providing complete financial information to defendant bank. Informal summit conference are recommended beforehand, with the attorneys you see repeatedly in these TILA/foreclosure cases and get their reaction/input/buy in to the process. The process also dovetails with Bankrupt Court proceedings in which second or third liens/mortgages may be stripped off, leaving the debtor with the first or primary mortgage which may be suitable for modification.

**(c) Progress.** Although it's too early to tell how successful the triage process is, Magistrate Judge Kevin Chang reports that he is experiencing a 20-25% success in achieving loan modifications.

## **The District of Idaho's Pro Bono Plan**

### **Pro Bono Contact for the District of Idaho:**

Candy Wagahoff Dale  
Chief United States Magistrate Judge  
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Boise, ID 83724  
(208) 334-9111  
Candy\_Dale@id.uscourts.gov

#### **I. PRO BONO PROGRAM**

The District of Idaho is committed to promoting equal access to justice whether the case involves a pro se litigant or those represented by counsel. The Pro Bono Program includes court-appointed representation of litigants of limited means in all types of civil cases, including prisoners bringing civil rights claims regarding conditions of confinement under 42 U.S.C. § 1983. Because prisoners have little access to the outside world, it is especially difficult for them to find private counsel for cases that present important and complex issues of constitutional law.

The pro se docket in the District of Idaho represented 40% of the cases filed in 2012, including pro se prisoners. This means that without volunteer attorneys, hundreds of litigants must navigate the legal process on their own. These litigants, who often raise important constitutional and civil rights claims, are significantly disadvantaged compared to counseled parties merely because of their indigent status.

Statewide, pro bono providers play a critical role to ensure that the disadvantaged are able to secure adequate legal assistance. A pro bono attorney who represents an indigent litigant not only ensures equal access to the courts but also is provided with a unique opportunity to hone litigation skills and appear before a federal judge. Depending on the procedural posture of the case, a pro bono attorney may appear before a federal district judge or magistrate judge, conduct depositions, attend settlement conferences, draft dispositive motions, and try cases. For an attorney beginning his/her legal career, pro bono cases provide an opportunity to develop the skills necessary to become a successful attorney.

The Court is grateful to the volunteer attorneys who provide their time, resources, and valuable service to our legal system. These volunteer attorneys are eligible to attend CLE/training courses on litigating civil rights cases in federal court at no cost.

#### **Section 1. Pro Bono Panel and Pro Bono Coordinator.**

When appropriate, the Court may grant a pro se litigant's motion for appointment of volunteer pro bono counsel. This appointment is made from a panel of volunteer attorneys.

Members of the bar interested in serving on the Pro Bono Panel must complete the [Pro Bono Panel application](#) and submit it to the Court's Pro Bono Coordinator.

The Pro Bono Coordinator recruits pro bono attorneys, maintains a roster of all qualified members, and addresses general questions about the Pro Bono Program. The Coordinator is aided by the Federal Bar Association (FBA) Pro Bono Liaison, who extends invitations to accept representations and communicates with pro bono counsel for specific cases. [General Order 262](#).

## **Section 2. Appointment Procedure in Non-prisoner Civil Rights Cases**

When the presiding judge determines that there is sufficient cause to appoint counsel for an unrepresented party, the presiding judge will issue an order granting the pro se party's request for the pro bono appointment or will file an order *sua sponte*. The order is emailed to the Pro Bono Coordinator, who contacts the Idaho Chapter of the Federal Bar's Pro Bono Liaison who then seeks counsel.

**(a) Application and Affidavit of Pro Se Party.** When a complaint is received from a pro se litigant who is a non-prisoner and no filing fee is included, the Court automatically sends the pro se litigant a packet with an [In Forma Pauperis application](#).

**(b) Order of Appointment.** When the presiding judge issues an order granting a litigant's motion for appointment of pro bono counsel, or appoints pro bono counsel *sua sponte*, the Pro Bono Coordinator requests that the FBA Pro Bono Liaison contact potential counsel. Discussions about the case and the appointment of pro bono counsel are between the FBA Pro Bono Liaison and potential counsel. This avoids *ex parte* communications between court staff and pro bono counsel, or the appearance thereof.

Once counsel has accepted the appointment, the presiding judge will file an order appointing pro bono counsel. Once the order is filed, the pro bono attorney may submit a [Motion for Waiver of PACER fees](#). If the presiding judge grants the motion, the pro bono attorney may then access the docket in the case at no charge. After the Order of Appointment is entered, the Pro Bono Coordinator will email a letter to pro bono counsel outlining the process for requesting reimbursement for allowable expenses, and notifies the Idaho Volunteer Lawyers Program (IVLP) at the Idaho State Bar.

**(c) Check for Conflicts of Interest.** Before accepting the appointment as pro bono counsel, the selected attorney must identify any conflicts of interest and the Pro Bono Coordinator.

**(d) Limited Representation Rule.** 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 presiding judge. Appointed counsel represents the party in the action until final

judgment is entered in the action or the issues designated by the presiding judge have been resolved. This process is used unless the presiding judge grants a motion to withdraw.

### **Section 3. Appointment Procedure in Prisoner Civil Rights Cases**

For pro se prisoner civil rights actions, if the presiding judge determines pro bono counsel is warranted, an order is filed, and forwarded to the Pro Bono Coordinator, who contacts the Idaho Chapter of the Federal Bar's Pro Bono Liaison. The Federal Bar Pro Bono Liaison identifies pro bono counsel, the attorney confirms lack of conflict, and the judge enters an order of appointment including the waiver regarding PACER fees. After the Order of Appointment is entered, the Pro Bono Coordinator mails a letter to pro bono counsel outlining the process of requesting reimbursement for allowable expenses, and notifies the Idaho Volunteer Lawyers Program (IVLP) at the Idaho State Bar.

### **Section 4. Expenses**

In order to assist in the administration of justice, the Court authorizes funding for litigation costs incurred by the attorneys, legal clinics, and law students appointed pursuant to the Pro Bono Program. Funds for the program are allocated from the District's non-appropriated fund (attorney admission fund). [General Order 261](#). The allocated amount does not exceed twenty percent (20%) of the annual receipts to the non-appropriated fund, unless authorized by the Board of Judges and the Court's Lawyer Representatives. Continued funding each year is subject to annual review and approval. Pro Bono Program funds also may be used for training of pro bono attorneys, reimbursement of reasonable expenses incurred by pro bono mediators or judges, or for other purposes that the Court determines will enhance the goal of creating, supporting, and maintaining the program.

**(a) Allowable Expenses and Costs Covered.** Program funds may cover out-of-pocket expenses including travel, lodging, process services, filing fees, expert consultations, witness fees, interpreter services, photographs, deposition costs, and other similar items. Travel expenses include public transportation and private vehicles (at the rate of reimbursement for official government travel in effect at the time the expense was incurred), plus parking, tolls, and other similar costs.

**(b) Procedures for Obtaining Pre-payment or Reimbursement.** After a budget is approved, pro bono counsel may request reimbursement for allowable expenses at the conclusion of the case. Reimbursement may be requested during the case if circumstances warrant. Copies of receipts, bills and invoices must be attached to the [Budget/Request for Reimbursement Form](#) and filed under seal. The presiding judge will review the claimed expenses, and issue an order. If the order is approved, a copy of the Order will be sent to the Finance Department at the Court who will issue payment.

**(c) Limitations on Expense Amounts.** The Court limits pro bono counsel reimbursement for reasonable and necessary costs in each case to \$1,500, unless otherwise approved by the Court in advance. Upon appointment, counsel shall review the case as soon as possible to determine a budget. Counsel must complete and submit a [Budget/Request for Reimbursement Form](#) before incurring anything other than nominal costs. A budget need not be submitted if pro bono counsel does not intend to seek reimbursement for costs. If the case appears to have extraordinary need, and more than \$1,500 in costs is anticipated, then pro bono counsel may request additional funds by filing a motion under seal that includes a detailed budget and an explanation of why the additional costs are warranted. Pro bono counsel who does not submit a motion and budget, but who incurs costs and seeks reimbursement later, risks that there may not be sufficient funds in the program for reimbursement, or denial of the request.

**(d) Non-Allowable Expenses and Costs Not Covered.** Reimbursement does not cover copying services, photocopying or printing, or attorney fees. Expenses not submitted for reimbursement consideration are to be covered by appointed counsel.

Most federal civil rights statutes provide that successful litigants can recover their reasonable costs and attorney fees. If counsel recovers costs, it is expected that the non-appropriated fund will be reimbursed for the costs so that additional cases can be funded. If attorney fees are awarded, counsel may wish to consider donating a portion of the fees back to the Pro Bono Program so that the program can be expanded to aid other persons in need of pro bono assistance.

Alternatively, counsel and the litigant may decide to enter into a contingency fee agreement, subject to any legal and ethical obligations. In that case, counsel is not eligible for reimbursement of costs.

## **Section 5. Compensation for Services**

An appointed attorney may receive compensation for legal services if authorized by statute or another provision of the law.

**(a) Malpractice Insurance.** The Idaho Volunteer Lawyers Program (IVLP) provides malpractice insurance for pro bono counsel. This includes representing IVLP clients in cases as well as other IVLP activities (e.g. clinics, presentations, etc.). This policy provides primary coverage for corporate, government, or other attorneys who do not have malpractice insurance. Although malpractice claims against volunteer attorneys are rare, should a claim ever arise in Idaho against an attorney who also has their own primary coverage, the insurance companies would have to determine how the two policies apply.

## **Section 8. Educational Panels and Pilot Projects**

The District of Idaho hosts educational programs for attorneys who are interested in serving on the Pro Bono Panel outside of their regular practice area. The programs are taught by federal judges and pro se staff attorneys, and a copy of one such program is available on CD.

**(a) Prisoner E-filing Project.** The District of Idaho and the Idaho Chapter of the Federal Bar are in the process of piloting a Prisoner E-Filing Project. This is one of two initiatives of the Pro Se Self Help Clinic, whereby the District and FBA are partnering with the Idaho Department of Correction in establishing the first prisoner E-filing system in the State of Idaho, at the Idaho State Correctional Institution (ISCI) in Boise.

The Idaho Chapter of the Federal Bar, in conjunction with a donation from a local law firm, has provided a Hewlett-Packard 9250C Digital Scanner. The goal is to provide an improved method of handling pro se prisoner filings, which will require substantially less time by federal court staff in processing prisoner pleadings, and significantly reduce the consumption of paper, envelopes, supplies and postage.

Both the Court and prison staff will benefit from this new E-filing process. ISCI staff will scan prisoner filings to PDF and email them to the Court, which is currently scanned by the Court staff. This procedure will include any bankruptcy filings made by inmates housed at ISCI.

Currently, an inmate who wants to file a complaint with the Court takes the document to the prison staff who make as many copies of the document as needed, sometimes as many as 50, so that each named defendant can be formally served. All originals and necessary copies are mailed in a large box or envelope to the Court.

With the new scanner, the prison staff will scan the inmate's document in PDF format. The scanned document will be given to the prison's litigation coordinator so that the document can be emailed to the Court for E-filing. Inmates in custody are not allowed access to computers or the Internet.

Since a large percentage of Idaho's federal court cases are filed by pro se prisoners, this process will streamline the prisoner litigation process tremendously for the Court and the prison. The program will include any petition filed at ISCI by the pro se inmate, such as civil rights violations, habeas corpus petitions, and bankruptcy pleadings.

## II. FEDERAL CIVIL RIGHTS LEGAL CLINIC

The United States District Court and the Idaho Chapter of the Federal Bar Association (FBA) have engaged in a joint Pilot Project effort to establish a Pro Se Self Help Clinic at the James A. McClure Federal Building and U.S. Courthouse in Boise, Idaho. Many Americans are unable to afford legal assistance that is often critical to their freedom and financial well-being. In civil cases, there is no constitutional right to an attorney as in criminal cases, and it is often difficult for pro se litigants to understand federal court proceedings, have access to the

appropriate pleading forms, or complete the paperwork properly. The Pro Se Self Help Clinic will provide valuable information to pro se litigants who do not have an attorney to represent them in a civil action.

Construction of space suitable for the Pro Se Self Help Clinic will begin soon on the fourth floor of the James A. McClure Federal Building and U.S. Courthouse to house a volunteer attorney a few hours a week.

Currently, staff attorneys and court staff have completed drafting the procedures and policies that will govern the clinic. In addition, FBA members are working on the logistics of such a clinic, which include determining the best method of protecting volunteer attorneys with malpractice insurance, obtaining attorney volunteers, and coordinating with the Board of Judges in the District of Idaho regarding its expectations for the clinic. The Clinic will contain two working computers with a comprehensive packet of Pro Se Self Help forms, rules, and court filing procedures.

The Pro Se Self Help Clinic will help provide access to justice in a real and meaningful way to all Idahoans. The Clinic will be guided by three principles:

- Promoting Accessibility – eliminating barriers that prevent citizens from understanding and exercising their rights under the law.
- Ensuring Fairness – delivering fair and just outcomes for all parties, including those facing financial and other disadvantages.
- Increasing Efficiency – delivering fair and just outcomes efficiently, without waste or duplication.

The goal of the Pro Se Self Help Clinic is to offer legal assistance utilizing volunteer attorneys from the Idaho Chapter of the Federal Bar to qualifying pro se litigants in selected cases. Our hope is to place individuals with a volunteer attorney in some circumstances, but there is no guarantee of legal representation. Additionally, the Court is identifying Cy Pres funds that might contain undistributed funds, which could be allotted to the Pro Se Self Help Clinic.

## The District of Montana's Pro Bono Plan

### Pro Bono Contact for the District of Montana:

Beth Conley  
Chief Deputy Clerk  
125 Central Ave. West  
Great Falls, MT  
(406) 542-7261  
Beth\_Conley@mtd.uscourts.gov

#### I. PRO BONO PROGRAM

##### Section 1. Local Rule 83.16 – Appointment of Counsel in Civil Actions.

**(a) Civil Pro Bono Panel.** The Civil Pro Bono Panel is the Court's resource for identifying those members of the Bar of this Court who are willing to make a pro bono contribution to the District of Montana. Names of Panel members may not be publicly disclosed or disseminated. An attorney may participate on the Panel by writing to the Chief Judge a letter setting forth:

- i. The attorney's number of years in practice, including any particularly relevant litigation background or law school preparation; and
- ii. The attorney's preference for appointment among various types of actions (e.g., social security appeals, employment discrimination actions, civil rights actions, habeas corpus).

An attorney may, by letter, withdraw from the Panel at any time. Participation on the Panel is not a prerequisite to appointment. The Court's practice will be to contact counsel before appointment to determine counsel's ability and willingness to accept appointment. However, the Judge has discretion to select any member of the Bar of this Court.

**(b) Request for Counsel.** Counsel may be appointed on a pro se party's motion for the appointment of counsel. With the party's consent, counsel may be appointed on the Court's own motion. In social security disability cases, counsel may not be appointed unless the party has been advised that counsel may be entitled to obtain compensation from any award of benefits.

**(c) Factors Considered.** The Judge will consider the following factors in determining whether counsel should be appointed:

- i. The potential merit of the claim or claims;
- ii. The nature and complexity of the action, both factual and legal, including the need for factual investigation and expert witnesses;

- iii. The likelihood of conflicting testimony calling for a lawyer's presentation of evidence and cross-examination;
- iv. The party's ability to prepare and present the case pro se;
- v. The party's inability to obtain counsel by other means;
- vi. The extent to which the interests of justice will be served by appointment of counsel, including the benefit the Court may derive from counsel's assistance;
- vii. The extent to which counsel might be appointed for a limited purpose rather than full representation; and
- viii. Any other factors relevant to the exercise of the Court's discretion.

**(d) Selection and Appointment.** When the Judge concludes that appointment is warranted, an attorney or firm will be selected by the Judge. The Judge will issue an Order:

- i. Appointing an individual attorney;
- ii. Staying proceedings for at least forty-five (45) days; and
- iii. Setting a deadline for the parties to file, jointly or separately, a status report setting forth a proposed plan and schedule for disposition of the remainder of the case.

The clerk will immediately provide to appointed counsel courtesy copies of the order of appointment and all documents filed in the case prior to the date of appointment.

**(e) Scope of Appointment.** Except as the scope of representation may be expressly limited by the Judge, counsel must represent the party in the action through final judgment or other resolution of the case in the District Court. Counsel may but need not represent the party on appeal. Appointment is made only for purposes of the case in which the Order is entered.

**(f) Notice of Appearance.** Within seven (7) days of entry of the Order Appointing Counsel, the appointed attorney must file a Notice of Appearance.

**(g) Relief from Appointment.** An appointed attorney may move to be relieved of an order of appointment pursuant to Montana Rule of Professional Conduct 1.16 or on the following grounds:

- i. Conflict of interest;

- ii. Personal incompatibility or a substantial disagreement on litigation strategy or tactics;
- iii. The party is proceeding for purposes of harassment or malicious injury, or that the party's claims or defenses are not warranted under existing law and cannot be supported by good faith argument for extension, modification or reversal of existing law; or
- iv. Any other basis that, in the discretion of the presiding Judge, justifies withdrawal.

**(h) Expenses.**

- (1) Counsel must seek payment of costs from the adverse party if entitled to do so.
- (2) With prior approval of the Court on a properly documented motion, counsel may obtain reimbursement for expenses reasonably incurred by appointed counsel or by counsel associated by appointed counsel. Reimbursement may be made from the Non-Appropriated Funds in an amount up to \$3,000.00. Reimbursement for expenses over \$3,000.00 must be approved by the Committee on Non-Appropriated Funds.
- (3) The Court will not reimburse counsel:
  - (A) for costs personally taxed against appointed counsel or paid by the adverse party; or
  - (B) where a judgment or settlement was obtained for at least \$6,000.00.
- (4) Reimbursement will generally be made at the conclusion of the representation. Where reimbursement is made on an interlocutory basis and appointed counsel later obtains a judgment or settlement of at least \$6,000.00, counsel must reimburse the Court for costs it has already paid to counsel.

- (i) Fees.** An appointed attorney may seek fees from the adverse party as provided by law.

**Section 2. General Description of Prisoner ADR**

Reimbursement will generally be made at the conclusion of the representation. Where reimbursement is made on an interlocutory basis and appointed counsel later obtains a judgment or settlement of at least \$6,000.00, counsel must reimburse the Court for costs it has already paid to counsel. The ADR program for pro se prisoner civil rights cases in the District of Montana

involves settlement conferences conducted by a mediator. Settlement conferences have been conducted under the current program since September, 2005.

The procedural structure of the ADR program is relatively informal. A presiding District Judge or United States Magistrate Judge may have a case in which the Judge finds the parties are amenable to, or the circumstances and timing warrant, a settlement conference. The presiding Judge will issue an order directing the parties to participate in a settlement conference, and refer the case to a mediator to arrange and schedule the settlement conference. A law clerk to a United States Magistrate Judge has served as a mediator in cases not assigned or referred to that Magistrate Judge.

Once the case is referred for a settlement conference, the mediator contacts the parties to schedule a date for the conference. The mediator then sends a letter to the parties confirming the date for the conference, and directing the parties to prepare settlement brochures containing specific information and to provide the brochures to the mediator. The mediator generally conducts preliminary settlement discussions with individual parties prior to the formal settlement conference. These preliminary discussions are conducted, in part, by telephone, but are most effective when conducted in person to fully appreciate the pro se litigant's position, and to comprehensively discuss and assess the strengths and weaknesses of that position.

The parties and the mediator ultimately attend a formal settlement conference in person. The conference is conducted utilizing traditional settlement conference procedures involving private caucuses with each party.

To date, approximately 68% of the cases in the ADR program have settled through the settlement conference process.

## The District of Nevada's Pro Bono Plan

### Pro Bono Contact for the District of Nevada:

Valerie Cooke  
United States Magistrate Judge  
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Reno, NV 89501  
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valerie\_cooke@nvd.uscourts.gov

#### I. PRO BONO PROGRAM

In March of 2010, then Chief Judge Roger Hunt asked the lawyer representatives from the District of Nevada to look into creating a program to reduce or minimize the impacts of noninmate *pro se* cases on the Court. The lawyer representatives in the District formed a committee to address this issue. Ultimately, after much investigation and review, the *Pro Se* Committee made three primary recommendations to the Chief Judge to address the burdens of non-inmate *pro se* cases. Those recommendations were as follows:

1. The creation and distribution of a written guide to assist *pro se* parties;
2. The development of an "Ask-a-Lawyer" type program whereby volunteer attorneys could provide guidance to *pro se* litigants; and
3. The implementation of a mediation program, similar to the program created for inmate *pro se* cases.

After various discussions, the Court then asked the committee to proceed with the implementation of those three programs, in the order identified above.

#### **Section 1. *Pro Se* Assistance Guide**

Borrowing heavily from other districts (primarily the District of Arizona), the Court created a *Pro Se* Assistance Guide for distribution to *pro se* litigants. The guide, which is 30 pages long, focuses primarily on the procedural aspects of filing a complaint. The guide has sections on Terminology, Filing a Case (initial pleadings), Other Information (such as formatting documents, filing requirements, etc.), Fees, and Operation of the Clerk's Office. The Guide also includes a number of forms and other useful attachments. The guide is available in hard copy form in the clerk's offices in both the Northern and Southern Divisions, and is also available on the [Court's web site](#).

#### **Section 2. Ask-A-Lawyer Program**

On Wednesday February 20, 2013, Legal Aid Center of Southern Nevada conducted its fourth Ask-A-Lawyer event for *pro se* litigants with open cases in Federal Court or for those

contemplating filing a case in Federal Court. This was the fourth Ask-A-Lawyer event with previous programs occurring in April, July and October of 2012. This project was launched in response to a request for assistance from the attorney representatives of the United States District Court for the District of Nevada.

The Ask-A-Lawyer program allows individuals in Southern Nevada the opportunity to sit down with an attorney for a private thirty-minute consultation where they can ask questions pertaining to the Federal Court or their court case.

The program has been promoted primarily through flyers that are circulated by the judges and staff at Federal Court approximately 4 – 6 weeks prior to the program. In addition, information is provided on Legal Aid Center's website and flyers are distributed to other Nevada legal service providers; various non-profits; and, organizations such as the ACLU, EEOC, Nevada Equal Rights Commission, the Federal Defender and local libraries.

To sign-up for the program, individuals may either call Legal Aid Center and leave a message on a specific extension or visit an on-line registration page where they complete an online survey. In both cases, individuals are asked to describe their legal problem, indicate their federal court case number (if applicable), whether they have an attorney, who the adverse parties are, why they are seeking assistance and any questions for the attorney. Our staff speaks to applicants to get clarification on their information.

This information is then vetted by Pro Bono Project staff to determine if the individual's matter is related to a federal case or issue for this program. If not, the person is provided referrals to other resources. If the case is federally related and appropriate, they are contacted by phone and provided a confirmation number, appointment time, and relevant information on how to prepare for the program.

For each program, we have signed up between 5 – 12 registrants. Typically, we only have one or two "no-show's," so attendance has been positive. For each session, we have utilized either one or two volunteer attorneys. Volunteers to date have included: Paul Georgeson, Jim Silvestri, Rebecca Bruch, and James "JP" Kemp. Rebecca Bruch handles the volunteer recruitment for each program. This was previously coordinated by Paul Georgeson.

The main challenge with this program has been that nearly half or more of the individuals who apply for the program do not have federal issues; rather, their cases involve state court matters better suited for our other programs, such as Landlord Tenant Ask-A-Lawyer program, Family Court Ask-A-Lawyer program and Legal Aid Center's Consumer Hotline.

The issues among the individuals who have participated have included: employment discrimination, disability discrimination, record sealing, housing discrimination, Section 1983, conspiracy claims, wire fraud, check fraud and more.

Both the volunteer attorney and participant feedback from the program has been positive. Consequently, we plan to continue this program on a quarterly basis, with the following programs scheduled for 2013: Wednesday April 24th, Wednesday July 31, and Wednesday Oct. 30th.

### **Section 3. Mediation Program**

Magistrate Judge Cooke has developed an outstanding mediation program for inmate *pro se* cases. That mediation programs uses volunteer attorneys to conduct half-day mediations for *pro se* cases that are assigned to the program. The *Pro Se* Committee has recommended that the program be expanded to non-inmate *pro se* litigation. No such program has been developed or implemented at this point. Instead, the plan is to get the Ask-A-Lawyer program up and running, then, once that program is fully implemented, to look to developing a mediation program.

## **The District of Northern Marianas' Pro Bono Plan**

### **I. PRO BONO PROGRAM**

The District does not have a formal program.

## **The District of Oregon's Pro Bono Plan**

### **Pro Bono Contacts for the District of Oregon:**

Janice Stewart  
United States Magistrate Judge  
1000 Southwest Third Avenue  
Portland, OR 97204-2941  
(503) 326-8260  
Janice\_Stewart@ord.uscourts.gov

Nicole Munoz  
Pro Bono Panel Administrator  
1000 Southwest Third Avenue  
Portland, OR 97204-2941  
(503) 326-8014  
Nicole\_Munoz@ord.uscourts

### **I. PRO BONO PROGRAM**

The U.S. District Court Pro Bono Program (“program”) appoints attorneys to represent pro se parties in civil cases who, in the Court's opinion, need and are qualified to receive them. Such parties (who are often incarcerated) typically lack the financial means or legal experience to adequately deal with the issues and proceedings in U.S. District Court. Appointments may be made for all purposes or for a specific purpose.

#### **Section 1. Pro Bono Panel Members**

The Pro Bono Panel Administrator maintains a non-public spreadsheet containing the names and contact information of attorneys and law firms who have volunteered to participate in the program.

Attorneys and law firms can volunteer to participate in the program by completing and submitting the Application to Participate in the Pro Bono Program form that is included in the General Attorney Admissions packet. Alternatively, an attorney or law firm may send an e-mail requesting to participate in the program to the Panel Administrator at Nicole\_Munoz@ord.uscourts.gov.

Each participating law firm has designated a contact attorney who will be initially appointed as conditional counsel of record for every case the law firm is appointed to under the program. The contact attorney is to review the appointment documentation to determine if a conflict of interest exists. If no conflict of interest exists, the Court expects the contact attorney to:

1. File the Pro Bono Appointment Response Form (“Response Form”) on behalf of the firm; and
2. If appropriate, file a Notice of Substitution of Counsel designating another firm member as counsel of record for the appointed case.\*

\*The Court does not intend the contact attorney for participating law firms to personally accept each case assigned to the firm.

To discontinue participation in the program, attorneys and law firms must send a request for removal to the Panel Administrator by fax at (503) 326-8010 or by e-mail at [Nicole\\_Munoz@ord.uscourts.gov](mailto:Nicole_Munoz@ord.uscourts.gov).

## **Section 2. Appointments**

**(a) Decision to Appoint.** A judicial officer may consider the appointment of pro bono counsel in a civil action for the following purposes:

- i. Specific Purpose Appointment (such as assisting with a mediation or settlement conference, responding to a motion for summary judgment, filing an amended complaint, conducting a review and appropriate investigation of a pro se litigant’s claims or defenses, etc.)
- ii. All Purpose Appointment

The consideration by a judge to appoint pro bono counsel may be initiated by the filing of a motion for appointment of counsel or on the Court’s own motion (sua sponte).

### **(b) Types of Appointments.**

- i. Specific Purpose Appointment. Within 14 days of the Order Appointing Pro Bono Counsel, the Court expects attorney/law firm appointed for a Specific Purpose to:
  - A. Determine if a conflict of interest exists or request removal from the case for a specific reason other than a conflict\*;
  - B. Electronically file the Pro Bono Appointment Response Form accepting or declining the appointment, with the appropriate option checked, within 14 days of the filing date of the Order Appointing Pro Bono Counsel; and
  - C. File the Notice of Completion of Pro Bono Appointment upon completion of the specific purpose(s) outlined in the Order Appointing Pro Bono

Counsel or upon acceptance of the appointment for the duration of the case.

The Specific Purpose Appointment is to be used when a Judge appoints an attorney or law firm for the completion of a specific task. Common uses for this type of appointment include:

- A. Drafting an amended complaint;
- B. Preparing for and/or appearing at a mediation, settlement conference, or deposition; and
- C. Responding to a motion to dismiss or a motion for summary judgment.

After completion of the task(s) specified in the Order Appointing Pro Bono Counsel, the attorney/law firm appointed for a Specific Purpose Appointment is to electronically file the Notice of Completion of Pro Bono Appointment.

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

ii. All Purpose Appointment. Within 14 days of the Order Appointing Pro Bono Counsel, the Court expects an attorney/law firm appointed for an All Purpose Appointment to:

- A. Determine if a conflict of interest exists or request removal from the case for a specific reason other than a conflict;\* and
- B. Electronically file the Pro Bono Appointment Response Form accepting or declining the appointment.
- C. File the Response Form with the appropriate option checked within 14 days of the filing date of the Order Appointing Pro Bono Counsel.

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

(c) **Appointment Procedures**. Upon direction from a judicial officer:

- i. The Courtroom Deputy submits a Request for Appointment of Counsel to the Panel Administrator.
- ii. Upon receipt of the request, the Panel Administrator selects an attorney or law firm from the spreadsheet and forwards the selection to the requesting Courtroom Deputy.

Upon receipt of the name of a pro bono attorney/law firm for appointment from the Panel Administrator, the Courtroom Deputy:

- i. Dockets the Order Appointing Pro Bono Counsel and attaches the appropriate forms pursuant to the appointment type:
  - A. Pro Bono Appointment Response Form (All Purpose & Specific Purpose Appointments)
  - B. Notice of Completion of Pro Bono Appointment (Specific Purpose Appointments only)
  - C. Guide for Representing Prisoners (All Purpose & Specific Purpose Appointments; however, only in cases where the pro se litigant is incarcerated); and
- ii. Mails a paper copy of the Order Appointing Pro Bono Counsel to the pro se litigant.

Docketing of the order sets a public PROBONO case flag and adds the appointed attorney or law firm contact person to the docket sheet as conditional counsel of record. Appointments are conditional upon the selection made on the Response Form.

**(d) Pro Bono Appointment Response Form.** Understanding and responding to the Response Form is critical to the success of the program, the accuracy of case records, and the quality of service case participants receive. The Court expects the appointed attorney/law firm to file the Response Form within 14 days of the filing date of the Order Appointing Pro Bono Counsel.

The Response Form offers three options:

- (a) Representation of [litigant's name] for [enter type of appointment (i.e.: "the purpose of \_\_\_\_\_" or "All Purposes")] is accepted. If appropriate, a Substitution of Counsel will be filed to designate the responsible attorney continuing as counsel of record.

(b) Termination of this appointment is requested based on the following conflict of interest: \_\_\_\_\_

(c) No conflict of interest exists. However, termination of this appointment is requested for the following reason(s): \_\_\_\_\_

If an appointed attorney/law firm fails to file the Response Form within 14 days of the date of the Order Appointing Pro Bono Counsel, regardless of the type of appointment, the Courtroom Deputy is to:

- i. Notify the presiding judge that the form has not been timely filed by counsel; and
- ii. Contact counsel and instruct them to file the response form immediately.

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

**(e) Motions.** If an appointed attorney/law firm needs more than 14 days to file the Pro Bono Appointment Response Form or additional time to complete the tasks associated with a Specific Purpose Appointment, the attorney/law firm is to file a Motion for Extension of Time.

If an appointed attorney/law firm accepts representation and incurs costs that are not recoverable from the opposing party (e.g., copy costs, transcript costs, travel expenses, telephone charges, etc.), a Motion for Reimbursement of Out-of-Pocket Expenses may be filed. The maximum amount for reimbursement of out-of-pocket expenses is \$3,000.00 per case. When an Order Granting Motion for Out-of-Pocket expenses is issued, a copy is sent to the Attorney Admissions Fund group for reimbursement.

**(f) Pacer Fees.** Upon request, the Clerk's Office may provide paper or electronic (e-mail) copies of pleadings not available over the Internet that relate to the case or appointment of counsel, without cost, to the appointed attorney/law firm. Upon request to the Court (by motion or letter to the presiding judge), the appointed attorney/law firm may be granted an exemption from PACER fees. Any documents, docket reports, or other data obtained by the appointed attorney/law firm are not to be sold for profit, transferred, or otherwise provided to third parties.

**(g) Hourly Reporting Requirements.** Effective January 1, 2010, appointed attorneys must report the number of hours spent on pro bono cases on an annual basis using the reporting form found on the Court's website. The reporting form can be submitted at the conclusion of each pro bono appointment or one form may be submitted for all pro bono work performed in the calendar year by the following January 10 (i.e., work performed between January 1, 2012, and December 31, 2012, must be reported by January 10, 2013). These hours are reported to both the Oregon State Bar and the Professional Liability Fund.

### **Section 3. Guide for Representing Prisoners**

The Guide for Representing Prisoners will assist counsel appointed to prisoner civil rights cases to navigate the inmate-specific details of representation including, but not limited to:

- i. Finding a prisoner's State Offender Identification Number or Inmate ID/Register Number;
- ii. Determining a prisoner's physical location;
- iii. Sending legal mail; and
- iv. Scheduling visits and telephone calls with inmates.

The Guide for Representing Prisoners will be uploaded as an attachment to the Order Appointing Pro Bono Counsel in prisoner pro se cases only. The Guide for Representing Prisoners will not be available on the Court's website and is only to be distributed to counsel appointed to represent a prisoner under this Pro Bono Program.

### **Section 4. Pro Bono Mentorship for Civil Rights Cases**

The purpose of the mentorship component of the Court's Pro Bono Program is to assist attorneys/law firms appointed to represent litigants with civil rights claims or defenses. If an appointed attorney needs support and/or guidance with tasks such as:

- i. Complying with federal court procedures;
- ii. Working with prisoners; and/or
- iii. Drafting documents.

The appointed attorney may ask the Pro Bono Program Administrator to assign a mentor attorney. 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 (other than on a confidential spreadsheet maintained by the Pro Bono Panel Administrator). 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 5. Pro Bono Forms**

To make receiving and responding to an Order Appointing Pro Bono Counsel less confusing and burdensome to appointed counsel, the pro bono forms have been modified to:

- i. Clarify an appointed attorney/law firm's responsibilities upon appointment;  
and
- ii. Reduce confusion with regard to responding to an appointment.

The Pro Bono Program forms include:

- i. Order Appointing Pro Bono Counsel for a Specific Purpose;
- ii. Order Appointing Pro Bono Counsel for All Purposes;
- iii. Pro Bono Appointment Response Form;
- iv. Notice of Completion of Pro Bono Appointment (Specific Purpose Appointment only);
- v. Guide for Representing Prisoners (appointments made to represent prisoners only); and
- vi. Order Terminating Appointment of Pro Bono Counsel.

## **The District of the Eastern District of Washington's Pro Bono Plan**

### **Pro Bono Contact for the Eastern District of Washington:**

Leslie Downey  
Chief Deputy Clerk  
920 West Riverside Avenue  
Spokane, Washington 99210  
(509) 458-3425  
Leslie\_downey@waed.uscourts.gov

#### **I. PRO BONO PROGRAM**

Does not have a formal pro bono program. The district will appoint a lawyer (and reimburse costs) in a given case, for example in a prisoner litigation case, if the case is deemed to have merit (often after surviving summary judgment).

Volunteer attorneys are also appointed in the district's STEP (The Sobriety Treatment and Education Program) program when needed. The STEP program is a reentry program for individuals on federal supervision who have substance addictions.

## The Western District of Washington's Pro Bono Plan

### Pro Bono Contact for the Western District of Washington:

James P. Donohue  
United States Magistrate Judge  
700 Stewart Street  
Seattle, Washington 98101  
(206) 370-8940  
James\_Donohue@wawd.uscourts.gov

#### I. PRO BONO PROGRAM

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-wdwd.org](http://www.fba-wdwd.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.

### **II. FEDERAL CIVIL RIGHTS LEGAL CLINIC**

The Federal Bar Association for the Western District of Washington runs a pro bono legal clinic designed to assist local community members with federal civil rights legal issues. The Clinic covers federal legal issues including discrimination claims (e.g., employment discrimination, housing discrimination, protected class issues), prisoner rights, Fourth Amendment search and seizure and excessive force claims, free speech and voting rights. The Clinic also receives inquiries from people who are unsure whether their issue belongs in federal or state court and from *pro se* litigants pursuing civil suits in the United States District Court who need help navigating the Federal Rules of Civil Procedure. The Clinic was founded in 2006 by current Clinic Director Tracy Morris and is staffed by a panel of volunteer attorneys and legal assistants, with one paid position handling screening, scheduling, and administrative duties. The Clinic sessions provide thirty minutes of free legal advice and consultation with an attorney. Sessions are currently held three Thursdays per month. A new Clinic in the Tacoma Courthouse is slated for 2013. For additional information, please call the Clinic Hotline at: 206-819-5089.

### **III. FORECLOSURE PRO BONO PROGRAM**

#### **The Pilot Program**

In response to the current foreclosure crisis, the U.S. District Court in Seattle is piloting an early ADR program for cases involving pro se homeowners with legal problems related to foreclosure, and has asked the Federal Bar Association of the Western District for our assistance in putting this program into place. If the program is adopted, foreclosure cases likely to benefit from early ADR will be referred to a U.S. Magistrate Judge for a settlement conference. Volunteer attorneys will also be appointed for the limited purpose of representing the homeowner during early settlement proceedings. At the conclusion of such proceedings, the volunteer attorney may withdraw from the case.

## **A Call to Action**

The Court is compiling a list of volunteer attorneys who are willing to represent *pro se* homeowners during early settlement proceedings in foreclosure cases filed in the U.S. District Court. If you are a lawyer licensed in Washington and admitted to practice before the U.S. District Court for the Western District of Washington, you are eligible to volunteer.

## **How to Volunteer**

To volunteer, please contact Brett Purtzer at [brett@hesterlawgroup.com](mailto:brett@hesterlawgroup.com); Brett is co-chair of the Pro Bono Committee of the Federal Bar Association of the Western District. In your message, please (1) include your contact information, including email address, (2) describe any relevant experience with foreclosure law, and (3) indicate whether you are interested in receiving training.

## **Prisoner E-Filing Implementation Strategies**

**I. Have Realistic Expectations.** Ensure that everyone involved understands that although e-filing will provide the court, the Department of Corrections, and prisoners substantial savings in costs and labor, it may increase the workload for individual employees, while decreasing the workload for others. Also, understand that although prisoners will benefit by no longer paying for copies and postage and by quicker communication with the court, they will have concerns about some new policies that come with e-filing.

1. **Mailroom vs. Librarians**
2. **Clerk's Office Scanning Clerks vs. Quality Control Clerks**
3. **Prisoner Concerns**

**II. Involve Key Players Early in the Process.**

1. **Clerk's Office**
  - a. Management
  - b. Operations
  - c. Systems
2. **Attorney General** or Other Corrections Counsel
3. **Department of Corrections**
  - a. General Counsel
  - b. Legal Access Coordinator
  - c. Paralegals
  - d. Prison Librarians/Mailroom Officers
  - e. Prison IT Personnel

**III. Understand Current Internal Prison Procedures Early in the Process.**

1. How are filings processed?
2. What access do prisoners have to the library?
3. What copy, postage, and other costs do prisoners pay?
4. How are documents picked up and delivered to prisoners?
5. How much time do librarians, mailroom, paralegals, and security officers spend on sending and receiving documents?

**IV. Determine the Technological Needs of the Prison.**

1. Does it have adequate and dependable **transmission lines**?
2. Does it have a **computer** to send documents and receive NEFs?
3. Does it have a fast and reliable **printer** to print court documents?
4. Does it have fast and reliable **scanner**?
5. Does it have reliable **IT support**?

**IV. Limit the Scope of the Pilot Project.**

1. **The Court** – Consider limiting it to one division.
2. **The Prison**
  - a. Start with two or three units in the same complex.
  - b. Involve unit(s) with enough filings to present a good sample size.
  - c. Avoid maximum security units with extra security concerns.
3. **Case Types** – Consider including civil rights, habeas corpus, and any other cases filed with the district court. But explicitly exclude cases filed with other courts. Also exclude death penalty cases and other non-pro se cases.
4. **Correspondence** – Exclude letters and other documents that will not be filed with the court.
5. **Time** – Limit the pilot to one year.

**V. Consider Making Participation by Prisoners Mandatory.** If you do make it mandatory, prepare a deficiency stamp to alert the judge that a document was mailed rather than scanned.

**VI. Circulate the Authorizing General Order to all Participating Prisoners.**

**VII. Prison Procedures.**

1. Establish separate prison email addresses for receipt of NEFs.
2. Require prisoners to number all pages sequentially.
3. Require prisoners to separate or clearly identify papers intended to be filed as separate documents.

### **VIII. Court Procedures.**

1. Establish a separate email address for documents sent from the prison.

### **XI. Prepare a Guide for Prison Librarians.**

1. Court contact names, email addresses, and phone numbers.
2. Appropriate scanner settings for court documents (PDF, dpi, size limits, etc.).
3. A simple file naming convention that clearly identifies the document (case year, case number, case type, document description, and file type: e.g. 13.1234cv.mtn1.pdf, 13.1234cv.mtn2.pdf, or new.case.cmp.pdf).
4. Quality review instructions (the document must be complete and legible before it is sent to the court).
5. The court's email address for receipt of documents to be filed.
6. Receipt of Notice of Electronic Filings (NEFs) instructions (explanation of one free look).
7. Change of address instructions. Explain that if a NEF is received for an inmate who has moved or been released, the NEF should be stamped with the reason for its return and emailed back to the court.

**X. Service of Process.** Consider not excepting service packets from the e-filing program. Although this will shift the burden of printing copies of the service order and complaint for each defendant, it will reduce mailing costs and substantially improve the time it takes to complete service of process in prisoner cases.

1. Request that the U.S. Marshal accept a single sheet USM 285 service of process form, rather than the old carbon copy form.
2. Include instructions and forms for the prisoner with the service order, which will be NEFed to the prisoner. Require the prisoner to complete one USM 285 and one Notice of Lawsuit and Request for Waiver of Service of Summons for each defendant.
3. Have the Clerk print copies of the complaint and order to complete the service packet to be forwarded to the Marshal.

**XI. Require Defendants to Accept NEFs as proper service by the prisoner.** This step will virtually eliminate the need for prisoners and the Department of Corrections to make copies and mail documents.

**XII. Require Defendants to Mail Copies of Their Filings to Prisoners.** The alternative would require the Department of Corrections to print the defendants' documents from NEFs, which effectively shifts the cost and burden from the Attorney General's Office to the Department of Corrections.

**XIII. Require the Prison Librarians to Print all Orders and Other Documents from the Court and Deliver them to the Prisoners.** This shifts some burden to the Department of Corrections, but the burden is relatively light because court documents are generally not large.

**XIV. Conformed Copies.** Because prisoner documents are often large, requiring the Department of Corrections to print conformed copies attached to every NEF can be burdensome. But getting back just the original document and the NEF itself does not assure the prisoner that the entire document was filed. The following steps will help to alleviate those concerns.

1. Require the prisoner to number every page of a document sequentially.
2. Require docket clerks to list in the docket entry the number of pages actually filed with each prisoner document. The number of pages actually filed will then appear on the NEF, which will be copied to the prisoner.

<b>District</b>	<b>Pro Bono Coordinator</b>	<b>Contact Info</b>
Alaska	Magistrate Judge Deborah Smith	222 West 7th Avenue, Box 6 Anchorage, AK 99513 (907) 677-6256 <a href="mailto:Deborah_M_Smith@akd.uscourts.gov">Deborah_M_Smith@akd.uscourts.gov</a>
Arizona	Magistrate Judge Charles R. Pyle	405 W. Congress Street, Suite 5660 Tucson, AZ 85701-5033 (602) 322-7620 <a href="mailto:Charles_Pyle@azd.uscourts.gov">Charles_Pyle@azd.uscourts.gov</a>
CA Central	Magistrate Judge Carla Woehrle  <u>and</u>  Terry Nafisi, Clerk of the Court and District Court Executive	312 N. Spring St. Los Angeles, CA 90012 (213)-894-6825 Carla_Woehrle@cacd.uscourts.gov  312 N. Spring St. Los Angeles, CA 90012 (213) 894-8844 <a href="mailto:tnafisi@cacd.uscourts.gov">tnafisi@cacd.uscourts.gov</a>
CA Eastern	Magistrate Judge Kendall Newman  <u>and</u>  Sujean Park, ADR and Pro Bono Program Director	501 I Street Sacramento, CA 95814 <a href="mailto:KNewman@caed.uscourts.gov">KNewman@caed.uscourts.gov</a>  501 I Street, Suite 4-200 Sacramento, California 95814 (916) 930-4278 <a href="mailto:spark@caed.uscourts.gov">spark@caed.uscourts.gov</a>
CA Northern	District Judge Edward Chen	450 Golden Gate Ave. San Francisco, CA 94102 (415) 522-4050 <a href="mailto:Edward_chen@cand.uscourts.gov">Edward_chen@cand.uscourts.gov</a>
CA Southern	Magistrate Judge Jan Adler	333 West Broadway San Diego, CA 92102 (619) 557-5585 <a href="mailto:jan_adler@casd.uscourts.gov">jan_adler@casd.uscourts.gov</a>

Hawaii	Magistrate Judge Kevin Chang	300 Ala Moana Blvd. Honolulu, HI 96850 (808) 541-1308 <a href="mailto:kevin_chang@hid.uscourts.gov">kevin_chang@hid.uscourts.gov</a>
Idaho	Magistrate Judge Candy Dale	550 W. Fort St. Boise, ID 83724 (208) 334-9111 <a href="mailto:Candy_Dale@id.uscourts.gov">Candy_Dale@id.uscourts.gov</a>
Montana	Chief Deputy Clerk Beth Conley	125 Central Ave. West Great Falls, MT (406) 542-7261 <a href="mailto:Beth_Conley@mtd.uscourts.gov">Beth_Conley@mtd.uscourts.gov</a>
Nevada	Magistrate Judge Valerie Cooke	400 South Virginia Street Reno, NV 89501 (775) 686-5855 <a href="mailto:valerie_cooke@nvd.uscourts.gov">valerie_cooke@nvd.uscourts.gov</a>
Oregon	Magistrate Judge Janice Stewart  <u>and</u>  Nicole Munoz, Pro Bono Panel Administrator	1000 Southwest Third Avenue Portland, OR 97204-2941 (503) 326-8260 <a href="mailto:Janice_Stewart@ord.uscourts.gov">Janice_Stewart@ord.uscourts.gov</a>  1000 Southwest Third Avenue Portland, OR 97204-2941 (503) 326-8014 <a href="mailto:Nicole_Munoz@ord.uscourts">Nicole_Munoz@ord.uscourts</a>
WA Eastern	Chief Deputy Clerk Leslie Downey	920 West Riverside Avenue Spokane, Washington 99210 (509) 458-3425 <a href="mailto:Leslie_downey@waed.uscourts.gov">Leslie_downey@waed.uscourts.gov</a>
WA Western	Magistrate Judge James Donohue	700 Stewart Street Seattle, Washington 98101 (206) 370-8940 <a href="mailto:James_Donohue@wawd.uscourts.gov">James_Donohue@wawd.uscourts.gov</a>



## Ninth Circuit Bankruptcy Pro Se Assistance Programs

- A. **Bankruptcy Facilitator Program**.....[D. Nevada](#)
  
- B. **Chapter 7 Individual and Adversary Representation** .....[D. Arizona](#)  
[C.D. California](#)  
[D. Nevada](#)  
[D. Oregon](#)  
[E.D. Washington](#)
  
- C. **Coordination with Outside Organizations**.....[D. Arizona](#)  
[C.D. California](#)  
[D. Idaho](#)  
[D. Oregon](#)  
[W.D. Washington](#)  
[D. Hawaii](#)
  
- D. **Consumer Debt/Bankruptcy/Self Help Clinics**.....[D. Arizona](#)  
[C.D. California](#)  
[E.D. California](#)  
[N.D. California](#)  
[D. Hawaii](#)  
[D. Idaho](#)  
[Oregon](#)  
[W.D. Washington](#)
  
- E. **Court Web Page and Written Resources**.....[D. Arizona](#)  
[C.D. California](#)  
[E.D. California](#)  
[D. Guam](#)  
[D. Hawaii](#)  
[D. Idaho](#)  
[E.D. Washington](#)  
[W.D. Washington](#)
  
- F. **Law Student Volunteers**.....[D. Arizona](#)  
[E.D. California](#)  
[D. Nevada](#)  
[D. Idaho](#)
  
- G. **Pro Se Law Clerk**.....[D. Arizona](#)

H. Reaffirmation Hearing Assistance.....	<a href="#">D. Arizona</a> <a href="#">C.D. California</a> <a href="#">E.D. California</a> <a href="#">D. Nevada</a>
I. Telephone Assistance.....	<a href="#">D. Arizona</a> <a href="#">C.D. California</a> <a href="#">D. Idaho</a>
J. Translation.....	<a href="#">C.D. California</a>
K. Ninth Circuit Bankruptcy Pro Bono Contacts.....	<a href="#">District Contacts</a>

## Bankruptcy Facilitator Program

District of Nevada

Contact: Bankruptcy Judge Mike Nakagawa  
mike\_nakagawa@nvb.uscourts.gov

The Nevada Bankruptcy Judges and Court staff, private bankruptcy attorneys, Chapter 7 and 13 Trustees, and legal services staff formed a committee, which became known as the Bankruptcy Pro Bono Committee, to examine the pro se problem and devise solutions. After trying different formats, the current model of the Bankruptcy Facilitator Program was developed, and the Legal Aid Center of Southern Nevada received funding from the Attorney Admission Fund to hire an attorney as part-time bankruptcy facilitator beginning in Spring 2007. The Program assists unrepresented individuals by providing information and forms, as well as placement with pro bono attorneys when appropriate. The Bankruptcy Facilitator has evolved into a full-time position.

The Bankruptcy Facilitator Program is unique in that it does not require space in the courthouse or a Court employee's time to administer it. The Bankruptcy Facilitator provides support by attending certain court calendars and assisting unrepresented debtors at those hearings. The Facilitator also identifies debtors at those hearings who need more assistance than can be provided in a five minute consultation, and gives them a "blue slip" referring them to Legal Aid Center for a more complete consultation with the Facilitator. The Facilitator is able to assist with other types of hearings or issues at the Bankruptcy Court's request, either at court, or through a blue slip referral from the Court, a bankruptcy trustee, or the United States Trustee's office. The Facilitator also is involved in debtor education efforts. Additionally, the Facilitator is focusing on the issue of problem bankruptcy petition preparers to protect debtors from unconscionable fees and improper advice.

## Chapter 7 Individual and Adversary Representation

District of Arizona

Contact: Bankruptcy Judge Eileen Hollowell  
eileen\_hollowell@azb.uscourts.gov

Bankruptcy Pro Bono Panel; District of Arizona in coordination with State Bar Bankruptcy Section is starting a program to provide pro bono attorneys in “adversary proceedings and contested matters.” Volunteer attorneys can sign up on the Court’s website.

Chapter 7 Individual Representation: The Volunteer Lawyers Programs of Community Legal Services in Phoenix and Southern Arizona Legal Aid in Tucson provide pro bono representation in Chapter 7 cases for the working poor. Priority is given to debtors facing garnishment of their wages. Debtors must be legal services income eligible.

## Chapter 7 Individual and Adversary Representation

### Central District of California

Contact: Bankruptcy Judge Maureen A. Tighe  
maureen\_tighe@cacb.uscourts.gov

A number of nonprofit legal assistance organizations represent low-income debtors in filing chapter 7 bankruptcy. They first see whether the existing clinics can help debtors file on their own and then locate counsel solely for those individuals who are income qualified and need counsel. The largest of these groups is Public Counsel, which provides qualifying debtors with pro bono representation. Public Counsel locates volunteer attorneys through the Central District Consumer Bankruptcy Attorney Association (CDCBAA), the Los Angeles County and San Fernando Valley Bar Associations, and the Los Angeles Bankruptcy Forum. Bet Tzedek Legal Services also provides individual representation where needed, giving priority to those who are disabled or 55 years of age or older.

In the Santa Ana Division, the Public Law Center provides pro bono representation in chapter 7 cases with attorneys from the local bar, when available. In the Riverside Division, the Public Service Law Corporation coordinates volunteer attorneys at the clinic, and, in some cases, provides direct representation to litigants with volunteers from the Inland Empire Bankruptcy Forum.

Chapter 7 Individual and Adversary Representation

District of Oregon

Contact: Chief Judge Elizabeth Perris  
elizabeth\_perris@orb.uscourts.gov

Provided through Legal Aid and experienced volunteers.

## Chapter 7 Individual and Adversary Representation

Eastern District of Washington

Contact: Beverly Benka, Clerk of Court  
beverly\_benka@waeb.uscourts.gov

Moderate Means Program – lawyer referral service which connects moderate-income households with lawyers who offer reduced-fee assistance.

Volunteer Lawyers Program – legal assistance program which recruits volunteer attorneys to provide free legal counsel and representation to low-income individuals.

## Chapter 7 Individual and Adversary Representation

District of Nevada

Contact: Mike Nakagawa  
mike\_nakagawa@nvb.uscourts.gov

The Bankruptcy Facilitator Program assists unrepresented individuals by providing information and forms, as well as placement with pro bono attorneys when appropriate. The Bankruptcy Facilitator attends certain court calendars and assists unrepresented debtors at those hearings. The Facilitator also identifies debtors at those hearings who need more assistance than can be provided in a five minute consultation, and gives them a “blue slip” referring them to Legal Aid Center for a more complete consultation with the Facilitator.

The Bankruptcy Facilitator attends each of the Bankruptcy Judges’ Motion for Relief from Stay calendars (for Chapter 7 and 13 cases) and if the debtor’s situation is too complicated or unclear to address at the court hearing, the Facilitator can assist the debtor in obtaining a short continuance and give the debtor a blue slip go to the Legal Aid Center and consult with the Facilitator. If the debtor needs and is eligible for legal representation, the Facilitator refers the case to Legal Aid Center’s Pro Bono Project and the client is assisted by a pro bono attorney. Both creditors’ and debtors’ attorneys have volunteered to be on a “panel” list.

## Coordination with Outside Organizations

### District of Arizona

Contact: Bankruptcy Judge Eileen Hollowell  
eileen\_hollowell@azb.uscourts.gov

Court Collaboration with State Bankruptcy Bar Section: State Bar Bankruptcy Section has pro bono committee that works on bankruptcy pro bono projects. Bankruptcy Section attorneys volunteer in the Self Help Center, Friends of Court Reaffirmation Program and Pro Bono Panel.

American College of Bankruptcy (“ACB”) Pro Bono grants: In 2012, the ACB awarded the Arizona Foundation for Legal Services (“Foundation”) a \$10,000 pro bono grant. The grant request was a collaboration between the Foundation, the Self Help Center and the Bankruptcy Section of the State Bar. The grant was awarded for development of debtor education pamphlets on a variety of topics as well as an informational video to be viewed in the Court clerk’s office. This was the second grant to Arizona from ACB. In 2010, ACB awarded the Foundation a grant to develop and video a bankruptcy basics CLE for posting on the Foundation website in order to promote bankruptcy pro bono work.

Coordination with Outside Organizations

## Coordination With Outside Organizations

### Central District of California

Contact: Bankruptcy Judge Maureen A. Tighe  
maureen\_tighe@cacb.uscourts.gov

The Court works closely with nonprofit groups throughout the district who are assisting self-represented litigants. Information and materials are coordinated district-wide through the Debtor Assistance Project (DAP). The DAP began as the Court's first effort to make pro bono programs available to the public within its jurisdiction, and has become the umbrella committee and resource for projects for all self-represented parties throughout the district. The DAP addresses the needs of self-represented creditors as well as those of debtors. The DAP holds bi-monthly meetings at the Court, bringing together representatives of public interest law firms, volunteer attorneys, chapter 7 and 13 trustees, bankruptcy judges, the Clerk's Office, and the Office of the U.S. Trustee. The DAP provides training for pro bono attorneys and exchanges information on trends and issues related to providing pro bono and self-help assistance, as well as best practices.

Coordination with Outside Organizations

District of Oregon

Contact: ADR/Pro Bono Coordinator Susie  
Boring-Headlee  
susie\_borig-headlee@id.uscourts.gov

Pro bono clinic refers eligible clients to Legal Aid.

## Coordination with Outside Organizations

District of Idaho

Contact: [susie\\_borig-headlee@id.uscourts.gov](mailto:susie_borig-headlee@id.uscourts.gov)

Idaho Volunteer Lawyers Program (IVLP) provides volunteer bankruptcy attorneys to provide a one-time consultation at no cost to assist individuals who are facing foreclosure and want to know how bankruptcy may or may not impact their situation. Individuals call IVLP's Foreclosure Aid Project to arrange an individual consultation. Lawyer consultations are subject to volunteer availability; however, it is not an emergency service and cannot guarantee that applicants will receive a response within a particular time frame.

## Coordination with Outside Organizations

### Western District of Washington

Contact: Bankruptcy Judge Karen Overstreet  
karen\_overstreet@wawb.uscourts.gov

### Programs in which the Court has direct involvement

Consumer Education and Training Services (CENTS): CENTS is a 501(c)(3) non-profit organization dedicated to teaching people how to make smart financial decisions. As an organization, along with a full time Executive Director, CENTS brings together judges, lawyers, accountants, law school professors, bankruptcy court staff and other professionals as volunteers to work on CENTS' many community programs. CENTS operates through a diverse board of directors consisting of insolvency professionals and two judge liaisons, Judge Overstreet and Judge Barreca.

Website: [www.CENTSPROGRAM.org](http://www.CENTSPROGRAM.org)  
Executive Director: Tony Leahy, [Tony@centsprogram.org](mailto:Tony@centsprogram.org)  
Phone: 206-267-7017  
Email: [info@centsprogram.org](mailto:info@centsprogram.org)

Financial Education: CENTS offers a number of free financial education programs, which are available broadly in our district and which include:

Debt Slapped, an innovative 40 minute educational video and website ([www.debtslapped.org](http://www.debtslapped.org)) created to engage students about the perils of excessive debt and the urgent need to make informed student loan and credit choices, as well as other educational resources available on its website. In 2011, the video was updated to conform to changes in credit laws with funding provided by the Western District of Washington Library Fund. In conjunction with the CARE program (Credit Abuse Resistance Education; <http://care4yourfuture.org>), the Debt Slapped video and companion PowerPoint presentation has been used by Judge Overstreet and CENTS volunteers in local area high schools. Currently, with the help of two externs from the Seattle University Law School, the Debt Slapped program is being expanded and improved with an updated PowerPoint presentation and additional resources for high school teachers.

- Money Sense, a 2 hour money management course offered in various community locations and online, and which covers key money management concepts, harmful money traps, budgeting, budget analysis, basic financial planning and smart borrowing, and building or rebuilding credit. Money Sense classes are taught by the CENTS Executive Director, Tony Leahy, and other CENTS volunteers, which include volunteers from the bankruptcy court clerks office.

Financial Evaluator, an online program to help people evaluate their financial standing, begin the budgeting process, and develop a plan for improvement.

Smart Borrowing, a 40 minute educational video and workbook about making wise borrowing choices, including information on borrowing fundamentals, credit cards, auto loans, payday loans, mortgages and mortgage refinance. The Smart Borrowing program is available on YouTube and the workbook is available in a downloadable .pdf format.

Make Change! Debtor Education Workshop, an in-person, 2-hour workshop which takes place monthly at locations in King County. The workshop covers topics such as assessing financial condition, dealing with debt collectors, how to respond to a collection lawsuit, and whether bankruptcy is an option.

New Projects in the Works: With funding from the Western District of Washington Library Fund and the American College of Bankruptcy, CENTS has recently begun work on a project termed Senior Money, which will be modeled after the Debt Slapped program, but which will focus on financial matters affecting vulnerable older consumers. Areas of focus will include reverse mortgages, financial scams targeting seniors, credit cards, end of life planning and decisions, and custodial relationships. This program will include an instructional video, companion website, and instructional written materials.

#### Programs in which the Court does not have direct involvement

##### Northwest Consumer Law Center

Website: [www.nwclc.org](http://www.nwclc.org)  
Email: [Admin@nwclc.org](mailto:Admin@nwclc.org)  
Phone: (206) 805-0989

NWCLC is a non-profit organization recently launched to provide qualifying consumers with advice and representation at no charge or based upon a sliding scale related to matters involving foreclosure mediation, foreclosure defense, and consumer finance, including Truth in Lending violations, loan rescission, mortgage fraud, home preservation and bankruptcy. Qualifying consumers must have income not exceeding 400% of poverty level. This organization is being funded initially for two years from funds paid to the State of Washington in connection a litigation settlement involving the mortgage industry.

##### Northwest Justice Project/Coordinated Legal Education, Advice & Referral (CLEAR)

Website: [www.nwjustice.org](http://www.nwjustice.org)  
Phone: (206) 464-1519; (888) 201-1012

The Northwest Justice Project (NJP) is a publicly funded legal aid program which provides civil legal assistance and representation to low income people in connection with family safety and security, housing preservation, protection of income, access to health care, education and other basic needs. NJP maintains 17 offices (100 lawyers) and operates a state-wide hotline called CLEAR, a central intake system for consumers who need help. As indicated below, NJP also maintains a free website with legal help, [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org), which is described below.

##### Northwest Justice Project/ Washington Law Help

Website: [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) and [www.nwjustice.org](http://www.nwjustice.org)  
Email: [webmaster@nwjustice.org](mailto:webmaster@nwjustice.org)  
Phone: 1-888-201-1014

Washington Law Help provides general information and resources on bankruptcy in Washington State. This program is maintained by staff at the Northwest Justice Project (NJP). The NJP also provides information about legal rights and self-help legal packets, including court forms. People who meet the eligibility criteria are able to speak to an attorney or paralegal about their legal matters. Due to limited resources, lawyers and paralegals are not able to assist every caller. Consequently, services are targeted to problems that affect basic needs such as housing, income, medical care, and family safety.

Based on the information given, the program offers one or more of the following:

- Verbal or written advice that may help solve a legal problem independently;
- Written legal information and/or forms to help solve a legal problem independently;
- Help on resolving a problem through negotiation;
- Referrals to another provider of legal aid.

#### King County Bar Association

Neighborhood Legal Clinics

Website: [www.kcba.org/pbs/legalhelp.aspx](http://www.kcba.org/pbs/legalhelp.aspx)

Phone: (206) 267-7070 (appointment line)

The King County Bar Association sponsors legal clinics in a multitude of locations in the county. Some of these clinics are specialized, e.g., Elder Law, GLBT Legal Clinic, and others provide information on a variety of legal topics. Appointments are scheduled through one appointment line. The clinics are staffed by volunteer attorneys who provide a free half-hour consultation to qualifying individuals.

#### Volunteer Legal Services (VLS)

Website: [www.kcba.org/pbs/VLS.aspx](http://www.kcba.org/pbs/VLS.aspx)

Phone: (206) 461-3200

VLS provides direct representation to clients with select civil legal issues, including bankruptcy matters, through volunteer attorneys. VLS maintains a panel of attorneys who work with specific populations of low-income people in King County.

#### Tacoma-Pierce County Bar Association

Volunteer Legal Services Program

Website: [www.tacomaprobono.org](http://www.tacomaprobono.org)

Email: [vls@tacomaprobono.org](mailto:vls@tacomaprobono.org)

Phone: (253) 572-5134 and 1-888-822-5134

This program offers assistance from volunteer attorneys in bankruptcy matters and various other areas of law. In addition, people are able to attend a bankruptcy clinic every last Monday of each month at the Pierce County Law Library by appointment only. The number to be called is (253) 572-5134.

#### Kitsap Legal Services

Website: [www.kitsaplegalservices.org](http://www.kitsaplegalservices.org)

Phone: (360) 479-6125

Kitsap Legal Services is a member organization of the Alliance for Equal Justice, the umbrella network of civil legal aid programs for low-income populations in Washington State. Most of the clients are served by volunteer attorneys. Clients must be screened by the Northwest Justice Project's Statewide CLEAR system. KLS provides advice and counsel consisting of free consultations with attorneys for 30-40 minute sessions and referrals to place low-income residents with attorney who provide donated legal services, including services related to bankruptcy.

Law Advocates/Whatcom County

Website: [www.co.whatcom.wa.us/superior/resources/lawadv.jsp](http://www.co.whatcom.wa.us/superior/resources/lawadv.jsp)

P.O. Box 937

Bellingham, WA 98227

(360) 671-6079

Law Advocates refers low income clients who are screened by the CLEAR system to volunteer attorneys.

Snohomish County Legal Services

Website: <http://snocolegal.org>

Snohomish County Legal Services does not provide legal aid directly. Instead, it works with communities, organizations and other legal services providers, who refer appropriate cases. Low income debtors in Snohomish County who need legal services are screened and assisted by CLEAR.

Coordination with Outside Organizations

District of Hawaii

Contact: Mike Dowling, Clerk of Court  
michael\_dowling@hic.uscourts.gov

Memorandum of understanding with Legal Aid Society of Hawaii whereby pro se parties located on other islands may use Legal Aid's videoconference facilities to participate remotely in court hearings in Honolulu.

## Consumer Debt/Bankruptcy/Self Help Clinics

### District of Arizona

Contact: Bankruptcy Judge Eileen Hollowell  
eileen\_hollowell@azb.uscourts.gov

Bankruptcy Basics presentation at Women's Fresh Start Center: Every few months a team of attorneys, bankruptcy court staff, and trustees give a two hour basic presentation on bankruptcy, its alternatives and available resources at the Fresh Start Foundation in Phoenix. Attorneys stay after presentation to answer questions.

Financial Hardship Clinic: (Not limited to bankruptcy) Community Legal Services Volunteer Lawyer's Program in coordination with the Phoenix School of Law began in January 2013 a twice a month clinic for financially qualifying debtors. The debtors have an individual consultation with a volunteer lawyer and law student to discuss consumer law issues including bankruptcy and its alternatives.

Self Help Center Volunteer Lawyers: State Bar Section bankruptcy lawyers volunteer for free consultations with both debtors and creditors at the Bankruptcy Self Help Centers in Phoenix and Tucson. (Phoenix- two hours every Tuesday and Thursday; Tucson two hours every Friday). Additionally, lawyers volunteer for telephonic appointments for approximately 25 hours per month. Telephonic appointments are scheduled different times of day, such as after normal work hours and two Saturdays a month, to accommodate for working debtors/creditors. Self Help Center has volunteers specific to certain individual such as pro se creditors and Spanish speaking debtors/creditors. Appointments with volunteer attorneys can be made on-line at [www.azb.uscourts.gov](http://www.azb.uscourts.gov). The requirements for an appointment are 1) review U.S. Courts Bankruptcy Basic video and 2) complete an on-line questionnaire. Debtors/creditors are referred to the Self Help Center volunteers by Judges, trustees, Clerk's Office staff, attorneys and non-profit agencies.

Self Help Centers: Phoenix courthouse has Self Help Center on 6th floor open every day from 9:00 a.m. to 1:00 p.m. Self Help Center has a case administrator and a Pro Se Law Clerk. Bankruptcy Forms and Legal pamphlets available. FJC "Bankruptcy Basic" video can be viewed at State Bar donated computers. Debtors/creditors can make appointments for free consultation with volunteer bankruptcy attorney. In-person consultations are on Tuesdays and Thursdays. Tucson courthouse has Self Help Center on 2nd floor open on Fridays for consultations with volunteer attorneys. Bankruptcy forms and pamphlets are available there and in Clerk's office.

## Consumer Debt/Bankruptcy/Self-help Clinics

### Central District of California

Contact: Bankruptcy Judge Maureen A. Tighe  
maureen\_tighe@cacb.uscourts.gov

#### Los Angeles Division

The Self-Help Desk opened at the Los Angeles Division in 2009 and serves the public two days each week. The Self-Help Desk provides self-represented debtors and creditors with chapter 7 and 13 bankruptcy information, forms, access to reference material, and referrals for additional legal assistance. Income-eligible individuals interested in obtaining more information on filing for bankruptcy can also apply at the Self-Help Desk to participate in a clinic about the bankruptcy process. The Los Angeles Division's Self-Help Desk is operated by the Public Counsel Law Center.

Bet Tzedek Legal Services provides a Debtors' Rights Clinic every six to eight weeks, giving priority to those who are disabled or 55 years of age or older, and provides individual representation where needed. The Legal Aid Foundation of Los Angeles also holds regular clinics and assists debtors in preparing their cases for filing on their own. The Clinic includes a 90 minute presentation, providing an overview of fair debt collection rules, credit reporting, lawsuits, judgment enforcement actions, exemptions, and bankruptcy. The overview helps debtors determine for themselves if filing bankruptcy is necessary. Following the presentation, clients who need additional assistance are able to schedule a consultation. At the Bet Tzedek clinics, homeowners are also referred to an in-house foreclosure prevention team to determine if a loan modification is viable.

#### San Fernando Valley Division

The San Fernando Valley Division opened its Self-Help Desk in 2007. It was started by and is operated by Neighborhood Legal Services of Los Angeles ("NLSLA"), and cosponsored by the Central District Consumer Bankruptcy Attorney Association (CDCBAA) and the San Fernando Valley Bar Association. Self-represented debtors and creditors are assisted once a week. Pro bono attorneys coordinated by NLSLA hold weekly seminars and provide free legal information on bankruptcy. Topics commonly covered include bankruptcy filing requirements, the difference between chapter 7 and chapter 13, and where to find a bankruptcy attorney. The Self-Help Desk also provides computers on which debtors can view the Federal Judicial Center's "Bankruptcy Basics" videos, in addition to other videos about key principles of bankruptcy.

#### Santa Ana Division

The Legal Clinic was first established at the Santa Ana Division in 2001. In 2013, the clinic's hours of operation increased from once weekly to twice weekly. The clinic is operated by the Public Law Center and provides free legal advice for self-represented parties solely in chapter 7 cases. The clinic is co-sponsored by the Orange County Bar Association's Commercial Law and Bankruptcy Section and the Orange County Bankruptcy Forum.

Orange County Legal Aid also holds a weekly chapter 7 clinic and assists debtors in filing no-asset cases on their own.

### Riverside Division

The Joint Federal Pro Se Clinic opened at the Riverside Division in November 2011. Modeled after the Self-Help Desk at the Los Angeles Division, the clinic is operated by the Public Service Law Corporation (PSLC), a non-profit law firm operated by the Riverside County Bar Association. The clinic provides assistance to people who are representing themselves in bankruptcy cases and/or federal civil actions. Through the clinic, PSLC gives free legal aid and advice to qualifying self-represented parties two days each week. The clinic is a joint effort of the U.S. Bankruptcy and District Courts. Currently, self-represented parties seeking aid with bankruptcy filings can attend a chapter 7 seminar which discusses how to complete a chapter 7 petition.

### Northern Division

In 2009, a consumer debt clinic serving Santa Barbara, San Luis Obispo, and Ventura Counties began operation in Lompoc before moving to the Northern Division in 2010. The Bankruptcy Self- Help Clinic, operated by the Legal Aid Foundation of Santa Barbara County (LAFSBC), assisted 215 self-represented debtors in 2011. Volunteer staff attorneys are available twice each month to answer questions about individual consumer debt issues. Volunteer staff attorneys also answer questions by parties who attend the Self-Help Clinic.

Consumer Debt/Bankruptcy/Self Help Clinics

Eastern District of California

Contact: Bankruptcy Judge Ronald Sargis  
[ronald\\_sargis@caeb.uscourts.gov](mailto:ronald_sargis@caeb.uscourts.gov)

The Clerk's office, in partnership with the UST's office in Sacramento and the Bankruptcy Committee of the Sacramento County Bar Association operates a pro se help desk, staffed by volunteer attorneys. Space for the pro se help desk is provided by the clerk's office. The Clerk's Office helps coordinate a nascent effort from the Clerk's Attorney Advisory Committee in Modesto, California, to create a pro se help desk, similar to the one in operation in Sacramento. This county bar participates to the extent possible.

With space provided by the Bankruptcy Court in Sacramento, volunteer attorneys and students from McGeorge Law School have created a Pro Se Help Desk. The Help Desk is open every Friday from 9:00 - noon. Two attorneys (or one attorney and one student) are on hand to answer questions on a first-come, first-serve basis.

Voluntary attorneys in Modesto, CA are currently creating Pro Se Help Desk similar to the one now in Sacramento, with the exception that it will meet once a month. The attorneys coordinating this effort are members of a subcommittee on the Clerk's advisory committee.

McGeorge School of Law (Sacramento) also has a pro-bono clinic through which bankruptcy legal services are provided.

## Consumer Debt/Bankruptcy/Self Help Clinics

Northern District of California

Contact: Elaine Hammond  
elaine\_hammond@canb.uscourts.gov

Alameda County Bankruptcy Clinic (sponsored by the Alameda County Bar Association): Requires pre-screening of income eligibility for volunteer legal services. If eligible, an appointment is set up at the monthly clinic. At the meeting, attorney will explain what bankruptcy is, the bankruptcy process, how to complete bankruptcy forms, and will review forms completed by individual requesting services.

Contra Costa County (sponsored by the Contra Costa County Bar Association): Clinic begins with a group overview of the bankruptcy process, resources available and issues to consider. Each participant then has an individual meeting with an attorney (approx. 15 min) to answer questions or help respond to documents. Addresses issues from both debtors and creditors. Participants can return to the clinic as often as needed. Volunteers are not allowed to take on clients from the clinic.

San Francisco (sponsored by UC Hastings College of the Law and Volunteer Legal Services Project of the San Francisco Bar Association): Legal Advice and Referral Clinic. Clinic always includes a consumer attorney and frequently a bankruptcy attorney.

Silicon Valley (Pro Bono Project of Silicon Valley): Program is a group presentation. The attorney provides an overview of bankruptcy and credit collections, as well as alternatives to avoiding bankruptcy. Participants may ask questions but are not provided individual consultations. A list of attorneys willing to provide legal services on a reduce-fee basis is provided.

Consumer Debt/Bankruptcy/Self Help Clinics

District of Hawaii

Contact: Mike Dowling, Clerk of Court  
michael\_dowling@hic.uscourts.gov

Legal Aid Society of Hawaii and Volunteer Legal Services of Hawaii offer clinics to assist income qualified individuals in filing bankruptcy petitions. Consumer Debt/Bankruptcy/Self Help Clinics

Consumer Debt/Bankruptcy/Self-Help Clinics

District of Idaho

Contact: ADR/Pro Bono Coordinator Susie  
Boring-Headlee  
susie\_borig-headlee@id.uscourts.gov

Idaho Legal Aid holds a Bankruptcy Basics Clinic once a month where low income pro se petitioners can come, use the Best Case software, and hear a presentation from the U.S. Trustee's office. One bankruptcy attorney per month volunteers and provides pro bono service for an hour providing information and answering questions. Typically, four to six litigants show up each month, and the Clinic receives many more calls, however, most of those individuals exceed the income cap that has been established. Funding for the Clinic is provided by Legal Services Corporations (LSC), which is the federal entity that receives funding from the government and is distributed to local offices at the state level.

## Consumer Debt/Bankruptcy/Self Help Clinics

District of Oregon

Contact: Chief Judge Elizabeth Perris  
elizabeth\_perris@orb.uscourts.gov

In Portland (3 locations): A judge, U.S. Trustee, or attorney gives a talk about bankruptcy and its alternatives. Then each lawyer sees 2 clients per clinic by appointment and represents them in a chapter 7 if client chooses that option (must be income eligible)

In Bend: quarterly clinic is a class taught by an experienced attorney. Clients are screened for eligibility and, after the class, eligible clients are provided information on the pro bono attorney for their case. Anyone interested in attending class can do so without being pre-screened.

In Eugene: clients apply for services at Lane County Legal Aid and Advocacy Center. They are then provided information and free credit counseling. After clients complete the initial steps, they are referred to a pro bono attorney.

Consumer Debt/Bankruptcy/Self Help Clinics

Western District of Washington

Contact: Bankruptcy Judge Karen Overstreet  
karen\_overstreet@wawb.uscourts.gov

**Debt Clinic:** In a partnership with the King County Bar Association, CENTS sponsors a twice-weekly legal clinic staffed by volunteer attorneys who provide 30 minutes of free legal advice to individuals in King County who qualify for the program. Clinic clients who need additional legal help are referred to the King County Bar Association Lawyer Referral Service (VLS) or an ad hoc panel of CENTS attorney volunteers. Debt Clinic lawyers can make referrals of homeowners to the Washington Foreclosure Mediation process. The Debt Clinic is offered in two locations in King County.

**Bankruptcy Debtor Counseling and Education:** CENTS offers an online credit counseling pre-bankruptcy course for \$15/person and an online post-bankruptcy debtor education class for \$10/person (or \$15 per couple), both of which are approved by the U.S. Trustee program. The program, created by CENTS volunteers, is thorough, easy to use and designed to be as inexpensive as possible recognizing the financial challenges of those in financial distress. This program is offered in-person locally and online in most other states.

Court Web Page and Written Resources

District of Arizona

Contact: Bankruptcy Judge Eileen Hollowell  
eileen\_hollowell@azb.uscourts.gov

Debtor Help and Creditor Help: Information, forms, pamphlets, and frequently asked questions on Debtor Help and Creditor Help sections of Court webpage. Both sections also include information on scheduling a consultation with a volunteer bankruptcy attorney, either in person or by telephone.

## Court Web Page and Written Resources

### Central District of California

Contact: Bankruptcy Judge Maureen A. Tighe  
maureen\_tighe@cacb.uscourts.gov

The Court's website has judge-specific information, contact information for trustees' offices, frequently asked questions about a broad range of bankruptcy topics (in both Spanish and English), links to approved credit counseling agencies and financial management courses, bankruptcy fees, and download-ready rules and forms.

The Court's "Don't Have an Attorney" web page serves as a centralized place for self represented parties to locate information specific to their needs, such as the hours for self-help clinics and seminars offered at each division, and contact information for free or low-cost bankruptcy attorneys. The page uses plain language and a user-friendly layout to present this information clearly to new visitors. The web page also includes videos on general bankruptcy information and a list of steps that should be taken before and after a debtor files. There are several links to helpful resources, including attorney referrals, credit counseling agencies, and a bankruptcy glossary of terms.

The court has developed numerous pamphlets and instruction sheets for the clerks to hand out to assist pro se litigants. They include how to complete a Proof of service and hours and locations of self help desks and attorney referral services.

Court Web Page and Written Resources

Eastern District of California

Contact: Bankruptcy Judge Ronald Sargis

[ronald\\_sargis@caeb.uscourts.gov](mailto:ronald_sargis@caeb.uscourts.gov)

The Clerk's Office in Sacramento and Fresno have kiosks where debtors can watch the FJC-created Bankruptcy Basics Video. Additionally, debtors, attorneys and creditors can use the court's lobby to access CM/ECF free of charge.

Court Web Page and Written Resources

District of Idaho

Contact: ADR/Pro Bono Coordinator Susie  
Boring-Headlee  
susie\_borig-headlee@id.uscourts.gov

Idaho Credit Abuse Resistance Education (I-CARE) is an initiative of the U.S. Bankruptcy Court for the District of Idaho with the assistance and support of the Commercial Law and Bankruptcy Section of the Idaho State Bar and Office of the United States Trustee. The goal of I-CARE is to facilitate the financial education of Idahoans, particularly high school and college age students, with an emphasis on the wise and responsible use of credit and related skills.

Court Web Page and Written Resources

District of Guam

Contact: Chief Judge Frances Tydingco-Gatewood  
Frances Marie Tydingco-Gatewood@uscourts.gov

“Bankruptcy Basics” packet provided at counter

## Court Web Page and Written Resources

### District of Hawaii

Contact: Mike Dowling, Clerk of Court  
[michael\\_dowling@hic.uscourts.gov](mailto:michael_dowling@hic.uscourts.gov)

Various information is posted at the Court's website, including links to bankruptcy information posted at the websites of the US Courts, American Bankruptcy Institute, and other organizations.

Books about bankruptcy and other printed information are available in public area of the Clerk's office.

Court Web Page and Written Resources

Eastern District of Washington

Contact: Beverly Benka, Clerk of Court  
[beverly\\_benka@waeb.uscourts.gov](mailto:beverly_benka@waeb.uscourts.gov)

Pamphlet available at intake counter with information on filing for bankruptcy without an attorney and a comprehensive listing of pro bono resources within the district.

## Court Web Page and Written Resources

Western District of Washington

Contact: Bankruptcy Judge Karen Overstreet  
karen\_overstreet@wawb.uscourts.gov

Bankruptcy Court resources: Our court website provides substantial information to pro se filers (Tab-Filing Without an Attorney). These resources include general information about bankruptcy and how to file bankruptcy, with links to helpful videos and materials, links to free resources like CENTS and VLS, links to bankruptcy forms and instructions, post-filing information like how to file a motion, and a list of helpful FAQs.

Our clerks office has written pamphlets and other materials for the public which provide information about free legal programs, debtor education, and resources to deal with mortgage foreclosure. Clerks office staff volunteer to work on various CENTS projects, including the Debt Clinic and Money Sense classes.



Law Student Volunteers

District of Arizona

Contact: Bankruptcy Judge Eileen Hollowell  
eileen\_hollowell@azb.uscourts.gov

Friends of the Court Reaffirmation Program: See description under Reaffirmation section. Second and third year law students supervised by experienced bankruptcy lawyers assist pro se debtors in reaffirmation hearings.

Financial Hardship Clinic: See description under Debtor Clinic section. Law students supervised by experienced consumer attorneys assist debtors with consumer law issues including bankruptcy if appropriate.

Law Student Volunteers

Eastern District of California

Contact: Bankruptcy Judge Ronald Sargis  
ronald\_sargis@caeb.uscourts.gov

Students from the McGeorge School of Law volunteer at our Pro Se Help Desk in Sacramento, at the supervision of an attorney.

Law Student Volunteers

District of Nevada

Contact: Chief Judge Mike Nakagawa  
mike\_nakagawa@nvb.uscourts.gov

Lewis & Clark Law School students assist at Portland clinic under attorney supervision.

Law Student Volunteers

District of Idaho

Contact: ADR/Pro Bono Coordinator Susie Boring-Headlee  
susie\_borig-headlee@id.uscourts.gov

Law student assistance provided by University of Idaho, College of Law and Concordia University School of Law.

Pro Se Law Clerk

District of Arizona

Contact: Bankruptcy Judge Eileen Hollowell  
eileen\_hollowell@azb.uscourts.gov

Pro Se Law Clerk: Pro Se Law Clerk housed in the Bankruptcy Self Help Center provides information and resources to individual debtor and creditors. Pro Se Law Clerk also coordinates and administers all the Court's pro se programs.

Reaffirmation Hearing Assistance

District of Arizona

Contact: Bankruptcy Judge Eileen Hollowell  
eileen\_hollowell@azb.uscourts.gov

Friends of the Court Reaffirmation Program: Volunteer attorneys with at least 5 years bankruptcy experience mentor law students to provide information and assistance to pro se debtors as “Friends of the Court” during reaffirmation hearings. Volunteer attorneys and law students meet with pro se debtors beforehand to explain the reaffirmation process. Students and attorneys appear with the debtors to give Bankruptcy Judge updated information and recommendations.

## Reaffirmation Hearing Assistance

Central District of California

Contact: Bankruptcy Judge Maureen A. Tighe  
maureen\_tighe@cacb.uscourts.gov

Public Counsel, in the Los Angeles and San Fernando Valley Divisions, and the Public Law Center, in Santa Ana, provide clinics to self-represented debtors before each reaffirmation calendar. In the Northern Division, volunteers recruited by the Legal Aid Foundation of Santa Barbara County attend reaffirmation hearings to assist debtors. Reaffirmation agreement hearings for participating judges at a particular division are scheduled together on the same day and time. This enables pro bono attorneys, coordinated by Public Counsel, the Public Law Center, or the Legal Aid Foundation, to offer debtors information about their rights in a consultation that takes place outside the courtroom before the hearing.

Reaffirmation Hearing Assistance

Eastern District of California

Contact: Bankruptcy Judge Ronald Sargis  
ronald\_sargis@caeb.uscourts.gov

Attorney volunteers brief debtors just before a reaffirmation hearing, giving debtors an opportunity to think about their options before stepping into a hearing

## Reaffirmation Hearing Assistance

District of Nevada

Contact: Mike Nakagawa  
mike\_nakagawa@nvb.uscourts.gov

The district's Bankruptcy Facilitator attends reaffirmation hearings. The Facilitator usually gives a brief talk to the assembled debtors prior to the start of the calendar to explain reaffirmation agreements and their ramifications, as well as court procedure, and provides the debtors with a handout prepared by the Legal Aid Center, which explains reaffirmation agreements. The Facilitator is available to meet with debtors individually if they have questions prior to their hearing. The Facilitator brings copies of all reaffirmation agreements on calendar as many debtors do not bring their reaffirmation agreements with them, and often need the papers to answer the Judge's questions.

If the debtor needs assistance during the hearing, the Facilitator can explain the facts to the Court. If more complicated issues arise, the Bankruptcy Judge will continue the reaffirmation agreement until the next calendar and ask the Facilitator to talk with the debtor after the hearing.

If a Bankruptcy Judge does not approve the reaffirmation agreement, but instead issues a "Retain and Pay" order, the Facilitator gives the debtor a handout entitled "Reaffirmation Agreements - Retain and Pay" following the hearing, which explains the significance of the order and tells the debtor to contact Legal Aid for pro bono assistance if the court order is violated.

## Telephone Assistance

### District of Arizona

Contact: Bankruptcy Judge Eileen Hollowell  
eileen\_hollowell@azb.uscourts.gov

Telephonic Consultations with Volunteer Bankruptcy Attorneys: See description under Volunteer Lawyers. Volunteer attorneys conduct pro bono telephonic consultations with pro se debtors/creditors for approximately 25 hours per month. Attorneys use Self Help Scheduler to review debtor questionnaire.

Toll- Free Number: Pro se debtors/creditors call 800 number and may leave a message and call will be returned by Self Help Center. Toll-free number donated by Arizona Foundation for Legal Services.

Clerk's Office Chat Line: During court business hours, web users can ask questions to clerk employees by using an on-line chat service.

Telephone Assistance

Central District of California

Contact: Bankruptcy Judge Maureen A. Tighe  
maureen\_tighe@cacb.uscourts.gov

The court has a central toll-free call center with specially trained staff to answer bankruptcy questions from the public throughout the Central District, providing basic information and information on where to obtain an attorney referral.

## Telephone Assistance

### District of Idaho

Contact: ADR/Pro Bono Coordinator Susie  
Boring-Headlee  
[susie\\_borig-headlee@id.uscourts.gov](mailto:susie_borig-headlee@id.uscourts.gov)

Idaho Volunteer Lawyers Program (IVLP) with the help of a grant from the U.S. Bankruptcy Court, has established a free service to answer legal questions for pro se litigants in bankruptcy cases. Because this service depends on volunteers, it is critical that the referrals to the Helpline meet all of the criteria. Employees of the Bankruptcy Court Clerk's Office and the U.S. Trustee's Office may provide the telephone number to pro se petitioners and non-institutional creditors who do not have legal representation. The number is not provided to attorneys, persons who have legal representation, or to creditors who are believed to have the resources to hire an attorney.

Translation

Central District of California

Contact: Bankruptcy Judge Maureen A. Tighe  
maureen\_tighe@cacb.uscourts.gov

Students from the California State University, Los Angeles Court Interpreters Program, provide Spanish translation services at reaffirmation hearings, both during the attorney consultation and in court.

Ninth Circuit  
Bankruptcy Pro Bono Contacts by District

<b>District</b>	<b>Bankruptcy Pro Bono Contact</b>	<b>Contact Info</b>	<b>Phone Number</b>
AK	B.J. Herb Ross	<a href="mailto:herb_ross@akb.uscourts.gov">herb_ross@akb.uscourts.gov</a>	907-271-2630
AZ	Tami Johnson, PSLC or Judge Eileen Hollowell	<a href="mailto:eileen_hollowell@azb.uscourts.gov">eileen_hollowell@azb.uscourts.gov</a>	520-202-7960
CAC	B.J. Maureen Tighe	<a href="mailto:maureen_tighe@cacb.uscourts.gov">maureen_tighe@cacb.uscourts.gov</a>	818-587-2806
CAE	B.J. Sargis and Clerk of Court Wayne Blackwelder	<a href="mailto:ronald_sargis@caeb.uscourts.gov">ronald_sargis@caeb.uscourts.gov</a> <a href="mailto:wayne_blackwelder@caeb.uscourts.gov">wayne_blackwelder@caeb.uscourts.gov</a>	916-930-4544
CAS	B.J. Louise Adler	<a href="mailto:louise_adler@casb.uscourts.gov">louise_adler@casb.uscourts.gov</a>	619-557-5661
CAN	B.J. Elaine Hammond	<a href="mailto:elaine_hammond@canb.uscourts.gov">elaine_hammond@canb.uscourts.gov</a>	510-879-3529
HI	Mike Dowling, Clerk of Court	<a href="mailto:michael_dowling@hic.uscourts.gov">michael_dowling@hic.uscourts.gov</a>	808-522-8115
ID	ADR/Pro Bono Coordinator, Susie Boring-Headlee	<a href="mailto:susie_boring-headlee@id.uscourts.gov">susie_boring-headlee@id.uscourts.gov</a>	208-334-9067
MT	C.J. Ralph Kirscher	<a href="mailto:ralph_kirscher@mtb.uscourts.gov">ralph_kirscher@mtb.uscourts.gov</a>	406-497-1240
NV	C.J. Mike K. Nakagawa	<a href="mailto:mike_nakagawa@nvb.uscourts.gov">mike_nakagawa@nvb.uscourts.gov</a>	702-527-7020
OR	C.J. Elizabeth Perris	<a href="mailto:elizabeth_perris@orb.uscourts.gov">elizabeth_perris@orb.uscourts.gov</a>	503-326-1536
WAE	Beverly Benka	<a href="mailto:beverly_benka@waeb.uscourts.gov">beverly_benka@waeb.uscourts.gov</a>	509-458-5320
WAW	B.J. Karen Overstreet	<a href="mailto:karen_overstreet@wawb.uscourts.gov">karen_overstreet@wawb.uscourts.gov</a>	206-370-5330

NMI	C.J. Ramona V. Manglona	<a href="mailto:rvmanglona@nmid.uscourts.gov">rvmanglona@nmid.uscourts.gov</a>	670-236-2999
GU	C.J. Frances Tydingco-Gatewood	<a href="mailto:judge_tydingco_gatewood@gud.uscourts.gov">judge_tydingco_gatewood@gud.uscourts.gov</a>	671-473-9200



## Navigating Civil Cases Without an Interpreter

Judges are increasingly presented with litigants or witnesses in civil cases who speak little or no English. This is not a problem when the litigant is represented by counsel. The court faces a real dilemma when litigants represent themselves or must provide testimony.



*Committee member  
Maureen A. Tighe is  
a bankruptcy judge  
in Woodland Hills*

Federal law provides for the appointment of an interpreter at government expense solely in a judicial proceeding instituted by the United States. 28 U.S.C. § 1827(d) (1). This generally means criminal cases and limited civil matters, such as actions filed by the U.S. trustee,

the Internal Revenue Service or the Securities and Exchange Commission. One exception to this rule is when someone has a hearing impairment, in which case a sign language interpreter may be provided free of charge. The director of the Administrative Office of the U.S. Courts has promulgated guidelines on this in volume 5 of the Guide to Judiciary Policy. Section 260, Ch. 2, Vol. 5 of the guide provides that interpreter services in other situations are the responsibility of the parties to the action. Appropriated funding may not be used, although the court may consider the use of its non-appropriated funds, following the guide, Vol. 13, Ch. 12 (Attorney Admission Fees).

*continued on page 3*

## Courts, Prisons Net Savings from Prisoner E-Filing Program

We have all heard about prisoner pleadings submitted on toilet paper. We've seen worse in Arizona. We once had a prisoner submit six packets of asbestos as an exhibit. But the *pièce de résistance* was lunch meat. Notwithstanding Rule 5(d)(4) of the Federal Rules of Civil Procedure, the clerk of court was instructed not to scan or file the meat. Fortunately, we've since found a way to substantially reduce the likelihood of toilet paper, asbestos or lunch meat finding their way into our court records: prisoner e-filing.



*Committee member  
James K. McKay is  
a pro se law clerk  
in Phoenix*

Arizona's prisoner e-filing pilot program started on May 1, 2012, at one of the Arizona Department

*continued on page 4*

### Observe the National Pro Bono Celebration



The National Pro Bono Celebration, scheduled for October 20-26, 2013, focuses the nation's attention on the increased need for pro bono services during these challenging economic times and celebrates the outstanding work of lawyers who volunteer their services throughout the year. It is essential that the entire legal community engage in conversation and action that results in equal access to justice for all. The energy generated by the National Pro Bono Celebration is a powerful force that helps us build a just legal system. For information visit <http://www.probono.net/celebrateprobono>

# Western District of Washington Seeks to Bolster Pro Bono Pool

District courts throughout the Ninth Circuit have attempted to respond to the challenges posed by pro se litigation by developing a large number of pro bono programs. These programs are now catalogued at [www.circ9.dcn](http://www.circ9.dcn). One way to respond is to expand the pool of attorneys willing to take on cases on a pro bono basis. However, pro se litigants often need the most assistance in areas of the law outside the traditional practices of the private bar. As a result, attorneys are reluctant to undertake pro bono representations, frequently citing their unfamiliarity with the applicable law as the reason.



*Committee chair James P. Donohue is a magistrate judge in Seattle*

To ameliorate this concern, federal judges and the Federal Bar Association of the Western District of Washington teamed up on September 13, 2013, to put on a continuing legal education seminar entitled, “Doing Well by Doing Good: Litigating Pro Bono Cases in Federal Court.” The program, which took place at the U.S. District Court in Seattle and was streamed to the U.S. District Court in Tacoma, focused on demystifying pro bono representation for local practitioners and encouraging attorneys to join our court’s volunteer Pro Bono Panel. In attendance were more than 60 members of the private bar, many of whom wound up volunteering to take on pro bono cases.

The event proved to be a great way for the federal judges and the FBA to work together to produce tangible results that will be of lasting benefit to the district. FBA Pro Bono Committee chairs Joanna Plichta Boisen and Brett Purtzer opened the program with introductory remarks, after which I provided an overview of our court’s pro bono programs. To help private practitioners understand the various opportunities for pro bono representation, other speakers discussed the role of the Screening Committee in making recommendations to the court about whether civil cases appear appropriate for appointment of pro bono counsel. Also discussed were use of the limited representation rule, under which an attorney is appointed at the outset of the case to serve only through an early mediation, and services provided by the district’s growing Federal Civil Rights Legal Clinic.

The CLE program then provided substantive training in areas of the law in which pro se litigants are frequently involved. District judge law clerks, pro se law clerks and private practitioners provided explanations of 42 U.S.C. § 1983 prisoner civil rights claims involving denial of adequate medical care, Religious Land Use and Institutionalized Persons Act of 2000 or RLUIPA claims, and excessive force claims. A private practitioner also provided substantive training regarding employment and Title VII cases, which are frequently brought by pro se litigants. Because representing pro se litigants can

*continued on page 4*

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**PRO SE LITIGATION COMMITTEE WEBSITE: [www.circ9.dcn/templates/prose.asp](http://www.circ9.dcn/templates/prose.asp)**

## PRO SE LITIGATION COMMITTEE MEMBERS

Hon. James P. Donohue, Chair, Magistrate Judge, WAW  
Hon. Dale S. Fischer, District Judge, CAC  
Hon. Catherine E. Bauer, Bankruptcy Judge, CAC  
Hon. Maureen A. Tighe, Bankruptcy Judge, CAC  
Hon. Sheila K. Oberto, Magistrate Judge, CAE  
Hon. Charles R. Pyle, Magistrate Judge, AZ  
Hon. Brian A. Tsuchida, Magistrate Judge, WAW

Hon. Carla M. Woehrle, Magistrate Judge, CAC  
Sujean Park, Esq., Director of ADR/Pro Bono Program, CAE  
Melissa Hartigan, Esq., Pro Se Law Clerk, MT  
James K. McKay, Esq., Pro Se Law Clerk, AZ  
William Stansfield, Esq., Pro Se Law Clerk, CAS  
Yvette C. Artiga, Esq., Staff, Office of the Circuit Executive

This bright line test in the statute may be necessary, given funding limitations, but it increasingly makes it difficult to actually proceed with cases on our dockets. In our multicultural environment, pro se litigants and witnesses regularly and unexpectedly show up in court who do not speak English. They sometimes expect an interpreter to be provided, or had no choice but to show up without their own interpreter. Often, the party has no ability to pay for a qualified interpreter (hardly surprising in bankruptcy court.) A party may also show up with a neighbor or relative who has agreed to interpret.

There are no clear rules on what a judge should do in these situations. In the middle of a crowded motion calendar and without prior notice, the judge is often confronted with such basic questions as: What language is this pro se litigant speaking? Is the “interpreter” capable of interpreting this proceeding?

Does the interpreter have to be court certified? May I use my law clerk to interpret? May I speak to the litigant in a language other than English if I am conversant in the litigant’s language? Or, worse, is this so-called interpreter really an unlicensed “paralegal” who may be playing lawyer?

There are no uniform rules on such questions, and practices vary widely across the country. Most judges find whatever solution best provides due process for all within our limited funding and statutory authority. If there is no objection, and the proceeding simply involves argument, or very limited testimony, many judges will allow a friend or family member to interpret after limited inquiry about translation ability. Where the translation appears to be incorrect or seriously deficient, the hearing may be continued with instructions to return with a better interpreter. Some judges are fortunate to have a law clerk who speaks the language requiring interpretation and are willing to utilize the clerk’s services for the courtroom. Where the situation requires significant testimony or there is an objection, many judges require the person to return with a certified interpreter.

Some judges call on bilingual lawyers who were present for other calendar matters. This works well for short matters where the judge is not constantly relying on the same attorney. Bilingual judges will sometimes

announce a ruling in both English and the other language in an effort to move things along and provide everyone with relevant information quickly. Some courts have arranged for a telephonic interpretation service through Attorney Admissions Funds.

The judge has the discretion to require either that the interpreter be certified for federal court work or to simply evaluate how reliable the proposed interpreter is through an inquiry before argument or testimony. “Otherwise qualified interpreters” may be used in cases where certified interpreters are not “reasonably available.” 28 U.S.C. §1827(b)(2). At the very least, the interpreter should be sworn in and reminded to simply restate what the litigant said without embellishment. This can require some reminding where the interpreter is a family member who has an interest in the outcome of the proceeding.

One limited solution we have used in the bankruptcy court in Los Angeles and Woodland Hills, California, is to have a local public interest legal organization work with the interpreter’s program at a local college to provide volunteer student interpreters to litigants. Reaffirmation hearings, held pursuant to 11 U.S.C. §524(d), are held regularly in bankruptcy court. Most of the debtors appear without counsel, and many speak only Spanish. The student interpreters show up at a designated time and have the opportunity to interpret in a real court setting, gaining valuable experience. Two of the students who participated in the program went on to find employment with attorneys they met while volunteering. The program does need constant tending, however, as students graduate and new students and faculty advisors need to be recruited.

The National Center for State Courts has been grappling with this issue as well and recently issued a detailed report entitled “A National Call to Action – Access to Justice for Limited English Proficient Litigants: Creating Solutions to Language Barriers in State Courts.” The report can be found at <http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/A-National-Call-To-Action.aspx>. The report is the result of a multiyear study and provides many tips in case you are interested in a much more detailed study of the issue. □

of Corrections' 10 prison complexes. ASPC-Eyman in Florence, about an hour's ride south of Phoenix, houses more than 5,000 medium- and maximum-security prisoners in five units. In Arizona, higher security prisoners tend to be more litigious and Eyman provided a sample size large enough to accurately measure the costs and benefits of e-filing. Our expectations were easily met.

In its first year, the pilot program took in 279 cases. All told, prison librarians scanned and emailed to the court 1,967 prisoner documents totaling 88,067 pages. In addition, prison librarians printed from Notices of Electronic Filing or NEF, distributing to inmates 5,652 pages in 1,879 orders and other documents filed with the court.

As an incentive to the Department of Corrections, the court loaned the prisons five court-owned electronic senders. The prison librarians scan all prisoner documents to their computers and perform a quality control check before emailing the documents to a designated email box in the clerk's office. The librarians hold the original documents until they receive an NEF from the court. The original document is then returned to the prisoner along with the NEF as proof of filing. The librarians also receive NEFs and print and deliver all orders and other documents filed by the court. The defendants are required to accept NEFs of prisoner documents as proper service by the prisoners. The defendants must continue to serve their documents on the prisoners by mail.

Although there was some initial grumbling about the mechanics of the program, prisoners universally praise e-filing. The reasons are fairly obvious: they no longer have to pay for copies or postage, their documents are filed quickly, and they receive orders sooner. The Department of Corrections also saves costs on postage for indigent prisoners, but,

more importantly, they save staff time and the costs associated with security screening a large volume of outgoing and incoming mail. And last but not least, the court saves the costs and staff time associated with receiving prisoner mail, scanning documents, and mailing orders to prisoners.

The one-year prisoner e-filing pilot was such a success that our court is now preparing to expand the program to another large prison complex. We suspect that if your district doesn't already have a prisoner e-filing program, it soon will. □

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## PRO BONO POOL *continued from page 2*

raise unique ethical challenges, the ethical portion of the CLE focused on cultural competency in the pro se context.

To tie the substantive portions of the program together, my colleague, Magistrate Judge Mary Alice Theiler, and I provided practice tips for attorneys who accept a pro bono appointment, regardless of the subject matter. Our presentation was followed by a panel discussion by attorneys who previously accepted pro bono appointments. Panelists reflected on their initial fears, their experiences at trial, why they considered pro bono representation to be rewarding, and answered questions from the audience. The program concluded with comments by Chief District Judge Marsha J. Pechman, who encouraged attendees to get involved with the district's pro bono programs.

If your district is interested in putting on a similar program and would like a copy of the agenda used for this CLE, please feel free to contact me:

[James\\_Donohue@wawd.uscourts.gov](mailto:James_Donohue@wawd.uscourts.gov). □



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## ‘Friends’ Assist Pro Se Debtors at Reaffirmation Hearings

With the second highest pro se bankruptcy filing rate in the country, the United States District Court for the District of Arizona has necessarily become creative in finding ways to use volunteers to assist self-represented parties and the court. One of our most successful programs is the Friends of the Court reaffirmation clinic, a collaboration involving the court’s Self-Help Center, local legal aid programs and local law schools.



*Daniel P. “Dan” Collins is a bankruptcy judge in Phoenix*

The reaffirmation clinic, which was started in Tucson and expanded to Phoenix, addresses one of the most important decisions a debtor makes in a Chapter 7 bankruptcy—whether to reaffirm personal property debt. For most debtors, a reaffirmation hearing will be the first and only time they will appear in court.

*continued on page 4*

## Bankruptcy Court in Central California Recognizes Pro Se Volunteers

The United States Bankruptcy Court for the Central District of California relies heavily on pro bono attorneys, law students and other volunteers to keep pace with the nation’s busiest bankruptcy docket and heaviest pro se caseload. Judges and court staff recently participated in events recognizing those who donated generously of their time and expertise.

In October, the court joined in the American Bar Association’s National Pro Bono Celebration, publishing an honor roll of 307 pro bono attorneys, students and paralegals who assisted self-represented parties in the district throughout the year. The honor

*continued on page 3*



## Webinars Bringing Legal Discussions to Your Desktop

With fewer opportunities for face-to-face educational programs, Ninth Circuit judges and law clerks are turning to online gatherings to keep pace with changes in the law.

The Ninth Circuit Pro Se Litigation Committee, for example, has begun using “webinars” to provide information about important developments in pro se litigation. The committee organized two webinars in 2013, including a well-received program in November focusing on the complex implications of the United States Supreme Court’s 2012 decision in Martinez v. Ryan. A third webinar is tentatively planned for early 2014.

The online programs are being offered in lieu of the Ninth Circuit Pro Se Conference, an annual event typically attended by more than 100 judges and court staff, which was last held in 2012.

*continued on page 2*

The 2013 conference was called off due to reduced funding to the courts under sequestration. While a conference is planned in 2014, the event will likely be held on a biannual basis thereafter.

“We want to be able to fill in the information gaps that will result from holding the conference every other year,” said committee member Susan Gelmis, a supervising staff attorney and director of the Pro Bono Program at the Ninth Circuit Court of Appeals.

“But even if we were holding the conference every year, not everyone would be able to attend, so it makes sense to provide an alternative,” added Ms. Gelmis, who chairs a subcommittee responsible for organizing the webinars.

Webinar technology delivers audio/video and data content using the judiciary computer network and conventional telephone lines. Judges and court staff participate individually or in groups and can interact with the presenters over the telephone or by sending questions and comments from their computer keyboard.

The committee’s first webinar featured a video replay of a program offered at the 2012 Ninth Circuit Judicial Conference focusing on federal habeas corpus and the ramifications of the Supreme Court’s 2011 decision in Pinholster v. Cullen. Magistrate Judge James P. Donohue, the committee chair, and some of his clerks were available to answer questions.

The *Martinez* program was a live presentation by panelists in three states: Chief Magistrate Judge Candy W. Dale and pro se law clerk Janis Dotson of the District of Idaho; Kristine Fox, a death penalty law clerk in the District of Arizona; and Margaret Epler, a death penalty law clerk at the Ninth Circuit Court of Appeals in San Francisco.

While the first program was offered in the late afternoon, the second was held during the lunch hour and drew a much larger audience, Ms. Gelmis said. The program was displayed at some 50 locations, but the actual number of participants is thought to be larger due to group viewing at several locations.



It is with great sadness that we report the passing of Yvette C. Artiga, legal analyst for court and policy research in the Office of the Circuit Executive, who provided staff support to the Pro Se Litigation Committee. Yvette died of cancer on December 27, 2013. She was 36. Yvette was a vital member of the Ninth Circuit pro se team and will be greatly missed. Our hearts go out to her family.

“The noon hour worked better plus it was a very hot topic. It turned out to be a great program, very informative and also entertaining,” she said.

Magistrate Judge Brian A. Tsuchida of the Western District of Washington, who also sits on the committee, would like to eventually see all webinars recorded and made available through an online library.

“We live in an increasingly web-connected world,” said Judge Tsuchida, who chairs a technology subcommittee. “We need to be thinking not only of printed content but audio and video, and how those can be best delivered to our audience.”

Webinar technology is licensed by the Administrative Office of the U.S. Courts. The Office of the Circuit Executive provides technical support for webinars sponsored by the Pro Se Litigation Committee. □

## BANKRUPTCY COURT *continued from page 1*

roll and a letter of an acknowledgment from Chief Bankruptcy Judge Peter H. Carroll can be found online at <http://www.cacb.uscourts.gov/recognition-pro-bono-volunteers-2013><http://www.cacb.uscourts.gov/recognition-pro-bono-volunteers-2013>.

The court also hosted its first Celebration of Pro Bono Volunteers, involving an afternoon reception held October 14, 2013, in the Edward R. Roybal Federal Building and U.S. Courthouse. The event was organized by the court's Pro Se Committee with financial support from the Central District's Attorney Admission Fund. Copies of the court's 2012 Pro Se Annual Report were provided, along with Celebrate Pro Bono certificates for each of the volunteers.

Chief Judge Carroll addressed the gathering. Also attending the event to personally thank volunteers were Bankruptcy Judges Maureen A. Tighe, who chairs the Pro Se Committee, Julia W. Brand, Catherine E. Bauer, Thomas B. Donovan, Sandra R. Klein and Vincent P. Zurzolo, and Clerk of Court/Executive Officer Kathleen J. Campbell.

Judges and staff also turned out in November for the presentation of William J. Lasarow Awards, which honor volunteers staffing the self-help desks at the court's five divisional offices. The volunteers provide self-represented parties with essential guidance on bankruptcy law and advice on how best to obtain an effective resolution to their cases.

The awards were presented November 21, 2013, during a program at the Edward R. Roybal Federal Building and Courthouse in downtown Los Angeles. Public Counsel, one of the nation's largest pro bono law firms, hosted the event, which was attended by more than 100 guests.

Hernán Vera, president and chief executive officer of Public Counsel, and Magdalena Reyes Bordeaux, a senior staff attorney in the organization, opened the ceremony. In remarks on behalf of the court, Bankruptcy Judge Vincent P. Zurzolo thanked all of the volunteers for their contributions. He noted that while new bankruptcy filings are down, the percentage of pro se filers remains very high, underscoring the significant need for volunteer assistance.



*Above, from left: Judge Catherine E. Bauer, Judge Julia W. Brand, Chief Judge Peter H. Carroll, Judge Maureen A. Tighe, Judge Vincent P. Zurzolo, Judge Thomas B. Donovan, and Judge Sandra R. Klein.*

*Below, from left: Magdalena Reyes Bordeaux, Shirley Donovan, Judge Thomas B. Donovan, Judge Vincent P. Zurzolo, retired Judge William J. Lasarow and his wife, Marilyn, Judge Maureen A. Tighe, Hernan Vera, Judge Sandra R. Klein, and Judge Richard M. Neiter.*



Each of the five organizations operating self-help desks in the Central District honored an outstanding volunteer for 2013. The honorees were Jim King in the Los Angeles division, selected by Public Counsel; Carissa Horowitz in the Northern division, selected by Legal Aid Foundation of Santa Barbara County; Scott Talkov in the Riverside division, selected by the Public Service Law Corporation; Leslie Keith Kaufman in the Santa Ana division, selected by the Public Law Center; and Anil Bhartia in the San Fernando Valley division, selected by Neighborhood Legal Services of Los Angeles.

The combined efforts of these organizations and their volunteers were instrumental in helping the court improve access to justice and service to the public during 2013 and are greatly appreciated. □

Here in Arizona, where the climate is extremely hot and public transportation is often not a viable alternative, debtors are frequently most worried about whether they will be able to keep their cars.

Just prior to the reaffirmation hearing, a self-represented debtor is assigned to a Friends of the Court team which consists of a law student and an experienced bankruptcy attorney, who acts as a mentor and teacher. Students have received prior training in law school about the reaffirmation process and agreements. The team focuses on educating the debtor, clearing up misinformation and gathering new information concerning the debtor's current income and expenses. Gathering this information is crucial because the debtor's financial circumstances may have changed substantially since the signing of the reaffirmation agreement. The pre-hearing meeting calms debtors who tend to feel more comfortable once they learn about the process and their options.

The law student and attorney are present when the debtor appears in court for the reaffirmation hearing. This is often a big relief to a debtor. The law student addresses the court to present the facts relevant to whether the reaffirmation presents an undue hardship or is in the debtor's best interest. The volunteer attorney assists the law student when needed. A judge may ask the student for a recommendation or to simply present the facts. The court will then approve or disapprove the reaffirmation agreement.

In some cases, the court will disapprove the reaffirmation agreement but enter an order permitting a debtor to retain the vehicle based on the holding of In re Moustafi, 371 B.R. 434 (Bankr. D. Ariz. 2007). In that case, my colleague, Bankruptcy Judge Eileen W. Hollowell, found that the 9th Circuit's In re Parker decision (139 F. 3d 668, 9th Cir. 1988), which permitted debtors to keep

their vehicle as long as timely payments were made, remained good law so long as the debtor strictly complied with Section 521 of the Bankruptcy Code. So, in some instances, the judge may deny the reaffirmation agreement and issue an order permitting the debtor to retain the vehicle notwithstanding any *ipso facto* clause in the loan agreements. These concepts are confusing to pro se debtors and the Friends of the Court team are critical in ensuring the debtors understand the judge's ruling, especially if it includes a Moustafi order.

After the reaffirmation hearings, judges and mentor attorneys sit down with the students to provide feedback. For most law students, this will be the first time they have met with people to discuss real legal issues and spoken with a judge in court. Law students usually love the experience, as evidenced by a waiting list to participate. For the court, the program saves hours of time which would otherwise be spent explaining reaffirmations to debtors and ascertaining changes in information regarding a debtor's current financial circumstances.

For the debtors, the Friends of the Court program ensures greater understanding of the reaffirmation process and less anxiety as they move forward after bankruptcy. Debtors frequently tell judges how helpful the Friends of the Court were to them and how appreciative they are of the service. For creditors, the program provides education to debtors so they can make informed borrowing decisions. All parties involved benefit from the Friends of the Court program.

*Special thanks to Judge Hollowell and pro se law clerk Tami Johnson for their assistance with this article. For more information about the Friends of the Court program, including training material for volunteers, contact Tami Johnson at [tami\\_johnson@azb.uscourts.gov](mailto:tami_johnson@azb.uscourts.gov). □*



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## Non-Lawyer Volunteers Bolster Arizona Prison Mediation Pilot Program

Courts with high caseloads understandably look to the legal profession for assistance. In Arizona, state trial courts appoint volunteer lawyers as judges pro tempore to conduct settlement conferences and trials. Almost 300 lawyers volunteer for this work in Phoenix alone.

The United States District Court for the District of Arizona recently started a pilot program in which volunteer attorneys are appointed to mediate pro se lawsuits brought by prison inmates against correctional officials. The court hopes to build on the success of similar efforts under way in Nevada and California.

Having served four years as a settlement judge pro tem in state courts and after mediating a dozen or so prisoner lawsuits in the federal court pilot program, I believe courts can improve their mediation programs by tapping the volunteerism of non-lawyers. Let me give you two examples.

After I was assigned to mediate two cases inside a super-maximum security facility in Florence, my court liaison, Senior Staff Attorney James McKay, and I realized there was a problem. The prisoner did not speak English and I did not speak Spanish. It was doubtful the court could afford a translator to go with us so I called Ramon Delgadillo, who had recently retired as an official interpreter for the state courts after 30-plus years of service. Ramon and I knew each other from many years of lunch-time YMCA basketball and our kids went to the same schools. He readily agreed to come along on my trek to Florence.



Ramon Delgadillo

Ramon's professionalism and easy manner during the mediation at the prison made my job so much

*continued on page 4*



Phoenix attorney John R. Dacey wrote this article. He is pictured here with Linda Krater, the 'nurse extraordinaire' who helped him decipher medical records.

## Western Washington's Civil Rights Clinic Builds on Success

In 2006, the Federal Bar Association for the Western District of Washington opened up a monthly clinic, staffed by volunteers, to provide pro bono legal assistance for federal pro se litigants. The clinic was initially patterned after pro bono neighborhood clinics sponsored by the King County Bar Association, which also provided screening and scheduling assistance for the federal clinic. Indeed, the initial home of the federal clinic was in the King County Law Library.



Committee Chair James P. Donohue is a magistrate judge in Seattle

*continued on page 4*

# Ninth Circuit Pro Bono Program

*This is the first in a series of articles about the Pro Bono Program at the Ninth Circuit Court of Appeals and the enormous contributions of private attorneys, who serve as volunteer district coordinators for the program. More information is available online at <http://www.ca9.uscourts.gov/probono/>.*



*Committee member Susan Gelmis directs the Ninth Circuit Pro Bono Program*

The Ninth Circuit Court of Appeals has operated an extremely successful and highly acclaimed Pro Bono Program for more than 20 years. It was started in 1993 and developed as a partnership between the court and the bar. While expanded significantly over the years, the program still operates much as it did at the beginning.

The court worked closely with the circuit's appellate lawyer representatives in establishing the program. Almost all of the original program parameters and guidelines are still in place today as a result of that collaboration. At the suggestions of lawyer representatives, the court set specific limits on the scope of pro bono appointments, permitted volunteer attorneys to withdraw upon a lesser showing of need, and allowed for greater flexibility in briefing schedules.

The court also agreed to screen cases for merit and complexity before placing them into the program, and established a practice of allowing litigants to object to the appointment of counsel so that volunteer attorneys would not be thrust upon unwilling clients. Most importantly, the court committed, as memorialized in its General Orders, to hold oral argument for pro bono cases. It was and continues to be an unprecedented commitment given that the court holds oral argument in less than 20 percent of the cases filed each year. The lawyers who serve as volunteer district coordinators recruit, assemble and maintain lists of volunteer attorneys, and distribute cases to them. This allows court staff to forward all cases from a given district to the district coordinator, who then locates willing counsel. This single component of the program is the key to its success and longevity in terms of logistics for the court.

As originally envisioned, the chair person of each district's appellate lawyer representatives would serve as the coordinator or designate someone else to serve in that capacity. In the larger districts, the chairs very quickly designated attorneys who were willing and able to make an extended commitment to the program. Over time, it became apparent that smaller districts could not practically maintain their own lists of volunteers because the court did not have enough cases to give them to sustain the effort. As a result, coordinators in the largest districts began serving all of the districts within the circuit on a broader, more regional basis.

Today, the program relies upon district coordinators in San Francisco, Seattle, Los Angeles, Phoenix and Sacramento, each of whom has been serving the court in this role for many years. These coordinators maintain lists of active volunteers and place numerous cases each year with volunteer attorneys. In some districts, there are long waiting lists for volunteers wanting pro bono cases. In addition to tracking case distribution to ensure fairness, the coordinators must juggle different kinds of case placements. Some cases are much harder to place (mediation only appointments in immigration cases, for instance) because they do not come with a guarantee of oral argument. The coordinators work very closely with court staff and are an integral and vital part of the success of the program. □

*See related article on page 3*

## PRO SE LITIGATION COMMITTEE MEMBERS

Hon. James P. Donohue, Chair, Magistrate Judge, WAW  
Hon. Dale S. Fischer, District Judge, CAC  
Hon. Catherine E. Bauer, Bankruptcy Judge, CAC  
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Denise M. Asper, Prisoner Litigation Project Director,  
Office of the Circuit Executive

# First District Coordinator Became Admired Role Model

The Northern District of California was the first to have a district coordinator. Sanford “Sandy” Svetcov, then a partner with Landels Ripley & Diamond LLP in San Francisco, was designated in 1993.



Sanford “Sandy” Svetcov

A former lawyer representative and chair of his district, Sandy worked very closely with the court to implement and fine tune the program. He developed and maintained an enormous volunteer panel of enthusiastic and committed attorneys from all over the country. In fact, the district now has a waiting list of about five years for a regular (argument) pro bono appointment.

In the rare instances when Sandy could not find counsel, often due to an unusual time sensitivity requiring that the case be argued immediately, he would take the case himself. He continued to serve as district coordinator until his tragic death from cancer in 2013. He worked tirelessly on behalf of the program even through his 16-month illness, ensuring a seamless transition to his colleague and law partner, Susan “Suzi” Alexander, who now serves as district coordinator for the Northern District and the District of Hawaii.

Sandy served the state and federal governments as an attorney in several different capacities before moving to private practice in 1989, when he joined Landels Ripley & Diamond LLP as a partner. He moved in 2000 to Robbins Geller Rudman & Dowd LLP, where he worked until his death.

In addition to being a district coordinator, Sandy served on the Federal Appellate Rules Advisory Committee and was a longtime ex officio member of the Ninth Circuit Advisory Committee on Rules and Internal Operating Procedures. He was active in numerous bar associations, served as an adjunct professor at Hastings College of the Law, and participated as faculty in numerous court-sponsored CLE events.

In 2012, Sandy was awarded the Ninth Circuit’s John Frank Award, which recognizes “a lawyer or judge whose life and practice display sterling character and unquestioned integrity, coupled with ongoing dedication to the highest standards of the legal profession and the rule of law.” Having worked closely with Sandy for 20 years, I can personally attest that he personified this award.

Suzi Alexander, the new district coordinator, has more than 26 years of appellate practice experience, including specialties in death penalty appeals, habeas corpus proceedings and securities fraud class action appeals. She brings her own extensive history of commitment to the federal courts and public service. She serves on the Ninth Circuit Advisory Committee on Rules and Internal Operating Procedures, and recently completed her service as an appellate lawyer representative.

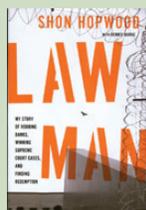


Suzi Alexander

Suzi also serves on the executive committees of both the American Bar Association’s Council of Appellate Lawyers and the Northern California Chapter of the Federal Bar Association. The court is extremely grateful that the torch has passed to such a dedicated and capable successor. □

## Not Your Typical Book Review

Shon Hopwood, the former bank robber turned celebrated prison lawyer turned critically acclaimed author, was the featured guest for a recent three-city video conference organized by Ninth Circuit judges and court staff.



The discussion focused on Hopwood’s autobiography, “Law Man,” and in particular his experiences as a self-taught lawyer who practiced before the U.S. Supreme Court.

Participating in the 90-minute program were Senior District Judge John Coughenour in Seattle, and Senior District Judge Richard Kopf in Omaha, Nebraska. Magistrate Judge Charles Pyle and colleagues and court staff in Tucson posed questions to the group.



Judge Pyle, who is a member of the Ninth Circuit Pro Se Committee, arranged for the video conference to be recorded. It will be available online in the near future.

## CIVIL RIGHTS CLINIC *continued from page 1*

However, as news of the specialized clinic spread, the demand for its services grew. Tracy Morris, the former FBA president who served as clinic director, soon had larger dreams for the clinic. Working with Chief Judge Robert S. Lasnik and his successor, Chief Judge Marsha J. Pechman, Ms. Morris launched a project to relocate the clinic to the federal courthouse. With close and enthusiastic collaboration by William M. McCool, clerk of court and district executive, the move was made successfully and the clinic opened in its new home in Seattle in January of 2012.

The clinic maintains its affiliation with the King County Bar Association, which continues to provide malpractice coverage for the pro bono lawyers. Screening and scheduling functions are now provided directly by the clinic.

The court has provided the space, automation equipment, and supplies to the clinic. The costs were covered by a grant from the attorney admissions fund. The FBA relies upon attorney volunteers and legal assistants to staff the clinic. A paid independent contractor handles screening and scheduling.

Attorneys do not take on direct representation of pro se litigants. They provide legal advice, with particular assistance on jurisdiction and pleading issues. Such assistance sometimes helps to reduce the number of motions to dismiss for pleading errors. It also helps litigants to deal with jurisdictional issues before filing. In some cases, pro se litigants may not file at all, or may follow up in state court.

In the past year, the clinic has served approximately 100 clients. The number is expected to increase following the opening last December of a new federal civil rights clinic in the Tacoma federal courthouse.

Clients have sought advice on employment, disability and housing discrimination, excessive force, prison conditions, and a myriad of other federal issues. The mission of the clinics is to provide resources and assistance to this underserved population while making the courts more accessible. As Tracy Morris noted, "Clients arrive early and eagerly await their appointments, sometimes having to cross protest marches on the courthouse steps to do so."

If you would like more information on developing an in-court clinic for your district, feel free to contact Judge Donohue. □

## NON-LAWYER *continued from page 1*

easier. He helped me to be more effective in settling the case – at no extra cost to the court. His physical presence also helped to establish rapport with the inmate. Ramon and his wife, Kathy Hansen of Hansen Interpreting, have indicated an ongoing willingness to assist.

My second example involves research. At least half the prisoner cases assigned to me concerned medical care and involved review of voluminous medical records, which I was ill-equipped to understand without poring over them for hours and conducting medical research. After mediating a couple of these cases, I recruited Linda Krater, registered 'nurse extraordinaire,' to help me better understand the issues. I have known Linda for many years as a public-spirited, expert nurse consultant with whom I have worked extensively.

Linda graciously volunteered to review medical records and produce chart summaries. She also sat with me during two mediations, which allowed us to meaningfully probe what prisoners and prison officials were saying about medical circumstances. The resulting settlements were better-tailored from my perspective solely because I had my own expert. I believe many nurses can be enlisted to this cause, including some fluent in other languages.

Much of my private practice concerns health and disability law. I am used to regulatory proceedings that revolve around individual service plans that were produced by multi-disciplinary teams. Lawyers sometimes have roles in drafting such plans but most of the expertise comes from other disciplines. I think the federal courts would be well-served to consider a multi-disciplinary approach to mediating pro se prisoner litigation. □



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## A Virtual Interview with ‘Law Man’ Legend



Committee member Charles R. Pyle is a magistrate judge in Tucson

On May 1, 2014, the Pro Se Litigation Committee presented a webinar that centered on the unbelievable life story of Shon Hopwood. Most of the webinar was a replay of a video book club discussion of Shon’s bestselling memoir, “Law Man: My Story of Robbing Banks, Winning Supreme Court

Cases, and Finding Redemption.” The discussion was moderated by Mary Ann O’Neil, a law librarian in Tucson, and featured Shon and Senior District Judges John C. Coughenour of the Western District of Washington and Richard G. Kopf of the District of Nebraska.

Shon’s life story is truly incredible. He grew up in a solidly middle-class family in rural Nebraska. After high school,



Shon Hopwood, right, appearing on CNN after being awarded a Bill and Melinda Gates Scholarship to attend the University of Washington Law School.

where he was a marginal student, he became aimless. Shon went on to rob five Nebraska banks, eventually being arrested by FBI agents in a hotel in Omaha. Shon pleaded guilty and Judge Kopf sentenced him to 12 ½ years in prison. Judge Kopf told Shon he was a punk who would never amount to anything.

*continued on page 3*

## The Pro Se Law Clerk Conference – Present and Past

The biennial Ninth Circuit Pro Se Law Clerk Conference is scheduled for September 18-19, 2014, in Seattle, Washington. Pro se law clerks and one judge from each district in the Ninth Circuit are invited to attend. The conference will offer a mix of specialized substantive updates on issues impacting prisoner litigation and focus on case management issues, including use of technology to improve how cases are handled.



Committee Chair James P. Donohue is a magistrate judge in Seattle

Pro se law clerks are talented professionals who provide invaluable service to the courts when dealing with complex contours of prisoner litigation. In 2013, civil case filings in district courts in the Ninth Circuit involving at least one unrepresented party amounted to over 36 percent of the total civil filings. Of those, about 65 percent of cases involved prisoner filings. Simply put, the system would break down without the services of these professionals.

The substantive programs at the conference will include updates on habeas cases and §1983 civil rights

*continued on page 4*

## District Coordinators Profiled

*This is the second in a series of articles about the Pro Bono Program at the Ninth Circuit Court of Appeals and the enormous contributions of the private attorneys who serve as volunteer district coordinators for the program. You can learn more about the program by reading the first article in the series, published in the Spring 2014 issue of The Gideon. Additional information is available online at <http://www.ca9.uscourts.gov/probono/>.*

Leonard J. Feldman is a partner in the litigation group at Stoel Rives in Seattle, Washington, and heads the firm's appellate practice group. Based on the quality and depth of his appellate practice, he is listed in the 2014 edition of the Best Lawyers in America directory. Leonard is also a lecturer at the University of Washington School of Law, where he teaches an appellate practice course and co-directs an externship program in which students brief and argue appeals through the Ninth Circuit Pro Bono Program.

In 1996, the chair of the Western District of Washington lawyer representatives designated Leonard to serve as district coordinator for the Ninth Circuit Pro Bono Program. Then a relatively junior associate (then at Heller Ehrman), he had just completed his first pro bono Ninth Circuit appeal assigned through the program. He would go on to develop an extensive and impressive appellate practice.

Leonard has done an amazing job of developing and maintaining a large and dedicated group of pro bono volunteers. He coordinates all of the Ninth Circuit pro bono appointments for the Pacific Northwest region, including appeals arising from district courts in Washington, Oregon, Idaho, Montana and Alaska. In addition to placing cases with the volunteers on his panel, Leonard has taken on numerous pro bono cases over the years, either solo or with his law students. More than once, he has volunteered to go beyond the scope of his appointment, staying with a



*Committee member Susan Gelmis directs the Ninth Circuit Pro Bono Program*



*Leonard J. Feldman*

case on remand to the district court. Leonard is also now serving as a volunteer mentor through the Ninth Circuit's newly established appellate mentor program. His enthusiasm for and dedication to the program and to the court make Leonard a truly valuable asset and a joy to work with.

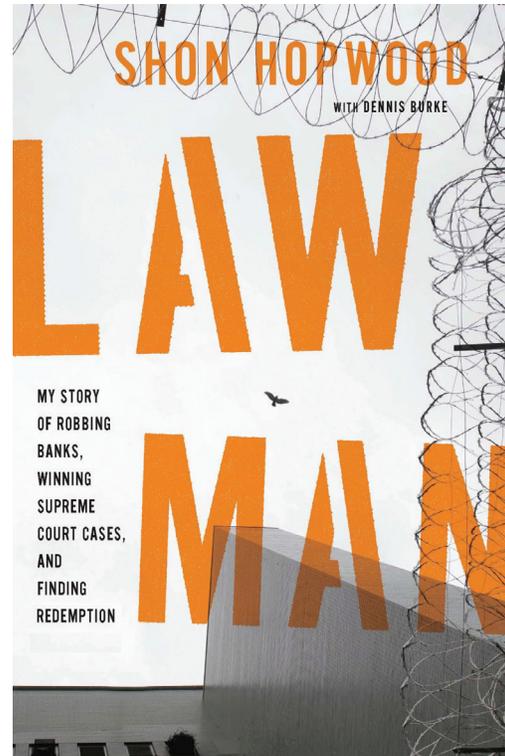
Margaret Z. Johns has been a faculty member at the University of California, Davis, School of Law for more than 30 years. She is the recipient of UC Davis' Public Service Award in 2000, Outstanding Women Award for Human Rights in 1994, James H. Meyer Distinguished Achievement Award in 1993, and Distinguished Teaching Award in 1991. Now a senior lecturer, she founded and directed for many years the law school's King Hall Civil Rights Clinic, which handles pro bono prisoner civil rights cases in the federal district courts and at the Ninth Circuit. Although no longer officially affiliated with the clinic, Margaret still reviews students' briefs and conducts moot oral arguments in most or all of the clinic's appeals at the Ninth Circuit.



*Margaret Z. Johns*

Margaret was one of our very first district coordinators, assuming the role in 1993 when the Ninth Circuit Pro Bono Program was created. Then a lawyer representative to the Ninth Circuit Judicial Conference, she helped shape the program and set out its parameters. She has served as district coordinator for the program continuously since its inception, coordinating volunteer attorneys and placing cases in the Sacramento and Eastern California areas. Along with placing cases with other volunteer attorneys, Margaret has taken at least six cases through the program during her tenure as director of the King clinic. In addition to serving as district coordinator, she also chaired the Pro Bono Civil Rights Panel for the Eastern District of California from 1990 to 1998, and she was the recipient of that district court's Pro Bono Award in 1991.

Margaret has devoted her career to education and public service, and has served the federal courts in many capacities. We are very grateful for her excellent service. □



*Shon Hopwood, in cap and gown and with his children at his side, graduated from the University of Washington Law School in June. He will serve this fall as a law clerk to Judge Janice Rogers Brown of the D.C. Circuit.*

Prison was not a pleasant experience for Shon, but it was life-changing. Shon was given a job in the prison law library and soon began reading Federal Reporters like they were novels. He also began working on getting his case and other prisoners’ cases reviewed. Shon never obtained relief on his case, but two of his petitions ultimately had certiorari granted by the U.S. Supreme Court.

After prison, Shon worked for a couple of years at the company in Nebraska that prints Supreme Court briefs. Ultimately, he received a Bill and Melinda Gates Scholarship to attend the University of Washington Law School. While there, he served as an intern in Judge Coughenour’s chambers.

Having graduated from law school in June, Shon will begin a clerkship in the fall with Circuit Judge Janice Rogers Brown of the U.S. Court of Appeals for the District of Columbia. He hopes to become an assistant federal public defender.

This discussion among Shon and the two judges was both inspiring and enlightening. This story reminds all of us of the importance of our work.

Judge Kopf made a point of recognizing the pro se law clerks for their heroic work in finding the viable issues in a sea of confusion. It is important that we never look at prison petitions as a “routine matter” and remember federal court may be the only avenue of relief for these prisoners.

Finally, Shon’s story is an unbelievable but inspiring testament to the power of the human spirit and the capacity for redemption. We must always be mindful of the humanity of the people presenting their claims to our courts. □

cases, medical care and deliberate indifference cases, PREA issues and legal trends in prison segregation matters, and RLUIPA and prisoner First Amendment issues. Judges from each district will be invited to provide and receive inter-district views on case management. There is also a special judges' breakout to deal with ethical issues involving pro se cases.

The growth of the pro se law clerk conference over the years is a testament to the importance of the position. Susan Gelmis, supervising staff attorney at the Ninth Circuit Court of Appeals and director of the Ninth Circuit Pro Bono Program, has institutional knowledge of the history of the educational program for pro se law clerks. One of the program originators, Susan recalls that, in 1993, Chief Judge J. Clifford Wallace put together a task force to address the increasing federal caseload of pro

se prisoner civil rights and habeas actions. By the time the final report of the task force was published in 1995, pro se law clerk positions in the district courts had been established and each district within the Ninth Circuit had one such position.



Judge Wallace asked Susan to organize a meeting with these law clerks with the idea of coordinating the management of the increasing pro se prisoner civil caseload. The first conference, held in 1995, was a one-day meeting in the conference room of the Office of the Circuit Executive in San Francisco. (Many of those pioneers are still working as pro se law clerks today and are planning on attending the Seattle conference.) This first meeting very quickly became an annual event. By 1998, the number of law clerks attending required that the program be moved into the library atrium at the Ninth Circuit. The program also began to introduce substantive law updates as well as case management programs.

In 2006, Chief Judge Mary M. Schroeder revitalized the conference, assigning circuit executive staff to organize and plan the event in support of the newly-formed Pro Se Litigation Committee. Later, magistrate judges and district judges were invited to attend with the pro se law clerks to exchange ideas regarding case management.

From the initial conference in which each district had one pro se law clerk to the 2014 event, which is expected to draw more than 100 pro se law clerks, the conference has come a long way. However, the principles remain the same today. The success of the Ninth Circuit pro se law clerk conference has now served as the model for a recent national program sponsored by the Federal Judicial Center. Indeed Susan Gelmis, and many of the early program pioneers, have been actively involved in organizing and presenting at the Federal Judicial Center program. □

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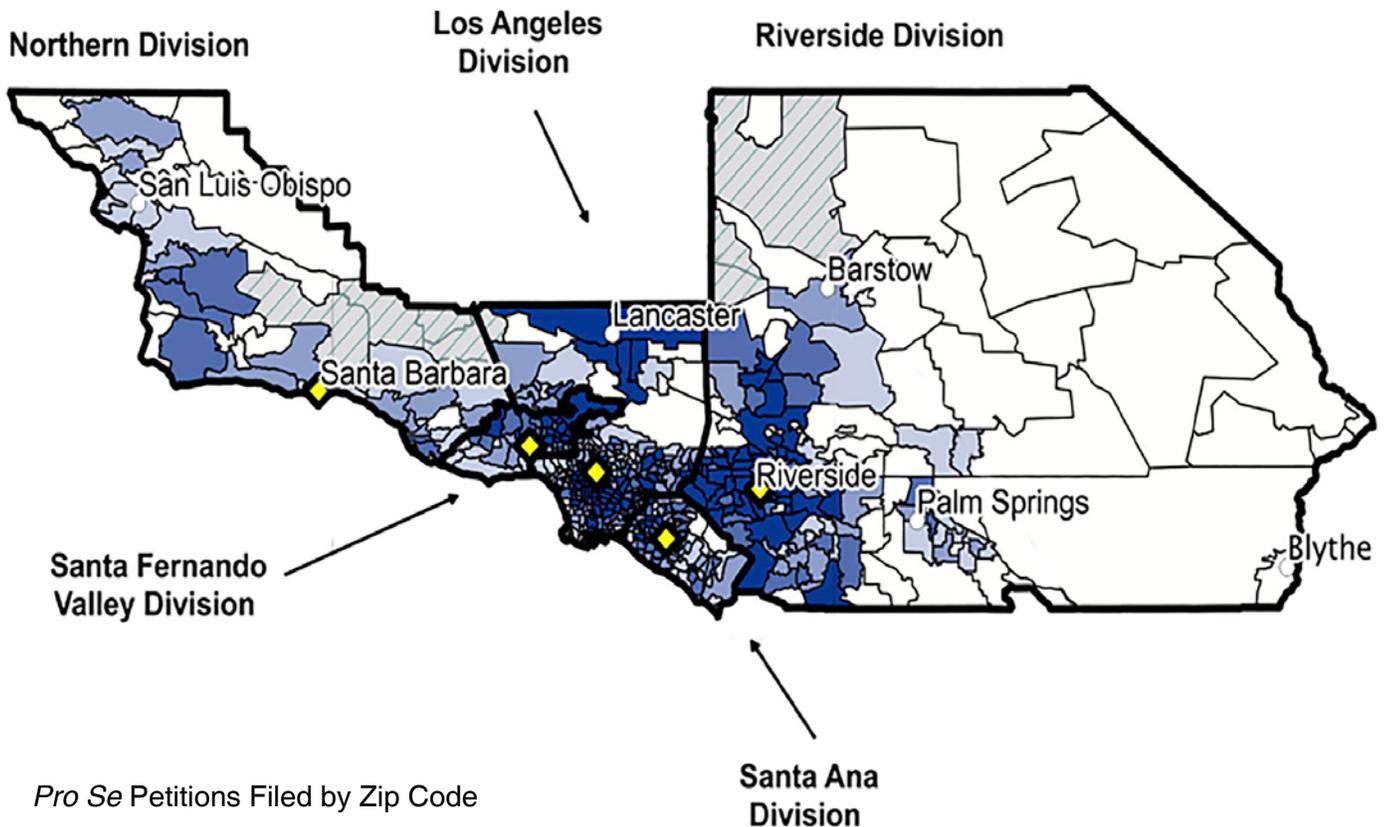


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# Access to Justice: Self-Represented Parties and the Court 2013



UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA

# Table of Contents

I.	Introduction .....	1
II	Self-Represented Parties – The Numbers .....	2
A.	Central District’s Large Number of Self-Represented Parties .....	2
B.	Impact of Filing without an Attorney .....	5
III.	What are the Barriers to Access? A Closer Look at Language, Income and Bankruptcy Petition Preparers .....	8
A.	Introduction .....	8
B.	UCLA Luskin School’s Ann C. Rosenfield Fellow .....	8
C.	Bankruptcy Petition Preparers .....	8
D.	Language Barriers .....	10
E.	Income Disparity .....	17
IV.	Programs and Services .....	19
A.	Video Instructions on How to Prepare a Chapter 7 Bankruptcy Petition .....	20
B.	Interactive Chapter 7 Bankruptcy Timeline Created .....	20
C.	Electronic Filing of Fee Waiver Requests by <i>Pro Bono</i> Attorneys .....	21
D.	<i>Pro Bono</i> Volunteers Honored.....	21
E.	eSR <i>Pro Se</i> eFile Project .....	22
F.	Court Technology Conference .....	22
G.	Online Chat .....	23
V.	Services Provided by <i>Pro Bono</i> Partners .....	24
A.	Los Angeles Division .....	25
1.	Public Counsel .....	25
2.	Bet Tzedek.....	26
3.	Legal Aid Foundation of Los Angeles .....	26
B.	San Fernando Valley Division .....	27
C.	Northern Division .....	28
D.	Santa Ana Division .....	29
E.	Riverside Division .....	30
VI.	Funding Sources for Non-Court Services .....	31
A.	Orange County Bar’s Holiday Party.....	31
B.	Los Angeles Bankruptcy Forum’s Holiday Party.....	31
C.	Earle Hagen Golf Tournament .....	32
D.	Public Counsel’s Run For Justice .....	32
E.	Leslie Cohen Law 5K Run/Walk .....	33
F.	American College of Bankruptcy Grants .....	33
VII.	Conclusion .....	34
VIII.	Honor Roll .....	35

# I. INTRODUCTION

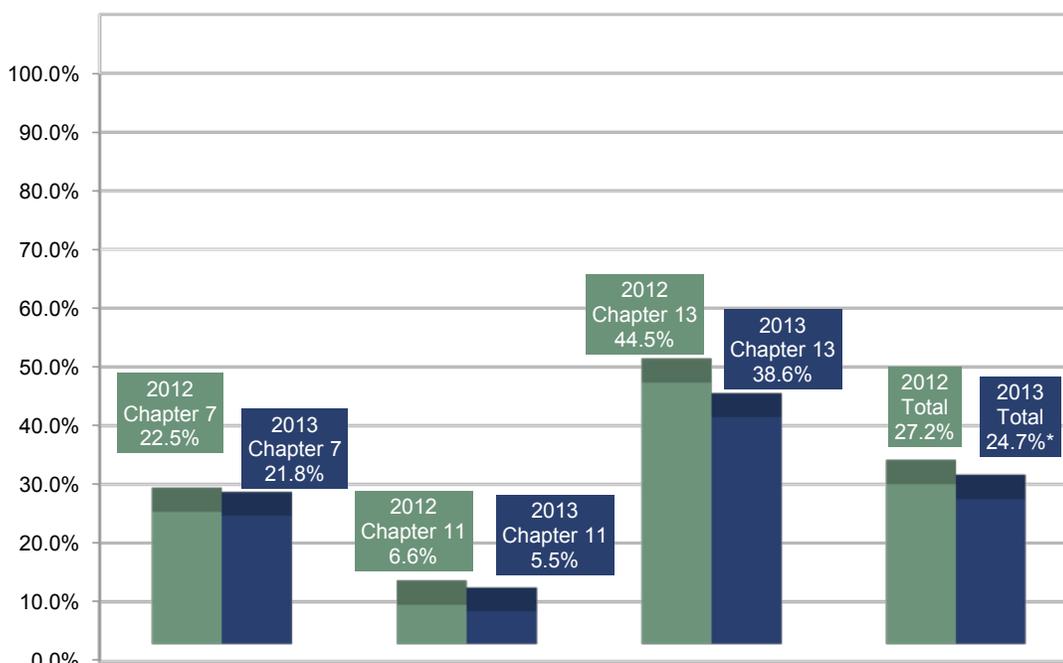


In 2011, the Court issued *Access to Justice in Crisis: Self-Represented Parties and the Court*, its initial effort to describe the scope and depth of the barriers faced by self-represented parties. Since then, the United States Bankruptcy Court for the Central District of California has strived to provide as much information as possible about the population of self-represented parties in the District. This report, which covers activities in 2013, reflects that the debtors in this District are finding counsel more frequently and succeeding in chapter 7 at a greater rate than in the past. This result is impressive and due, in no small part, to the sustained effort and dedication of our *pro bono* partners. Access to the self-help, *pro bono*, and web page resources has helped to reduce the number of self-represented debtors. These resources have also increased the rate by which self-represented debtors successfully obtain chapter 7 discharges. The increased success rates demonstrate that the combined efforts of volunteers and non-profit legal groups have made a difference in the lives of many low income debtors. The goal of this Report is not only to highlight the efforts made to increase access to the courts in the Central District – I hope the ideas and information will inspire and assist others to continue efforts to increase access so that equal justice for all is a practical reality in our courts.

*Maureen A. Tjebke*  
 United States Bankruptcy Judge  
 Central District of California  
 Chair, *Pro Se* Resources Committee

Figure 1

U.S. Bankruptcy Court - Central District of California  
 2012 vs. 2013 *Pro Se* Filing Comparison



\*includes 1 Chapter 12 *Pro Se* filing

## II. SELF-REPRESENTED PARTIES — THE NUMBERS

The Court continues to have the largest *pro se* population of any bankruptcy court in the country – 18,655 debtors, along with numerous creditors who cannot be counted as easily. In 2013, bankruptcy filings declined dramatically. The Court's *pro se* rate also declined slightly from 27.2 percent to 24.7 percent.

### A. Central District's Large Number of Self-Represented Parties

In 2013, even with a substantial decline in its overall number of filings, the Central District of California continued to lead the nation with over 75,000 filings. Nearly 25 percent of these filings were filed without an attorney, compared to only about 8.8 percent nationwide. In fact, the Central District of California received nearly 20 percent of the nation's *pro se* filings. California Central's *pro se* filings compare with other high *pro se* districts as follows:

Figure 2  
U.S. Bankruptcy Court - Central District of California  
CY 2013 Pro Se / Non-Pro Se Filings Comparison

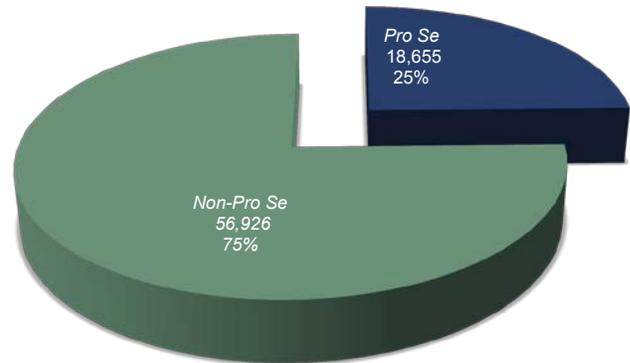


Table 1  
2013 Top 5 Districts in *Pro Se* Filings by Percentage

	Total Filings	<i>Pro Se</i> Filings	% of Filings
California Central	75,581	18,655	24.7%
District of Columbia	833	183	22.0%
Arizona	23,381	5,038	21.5%
Eastern District of California	28,809	5,023	17.4%
Maryland	23,118	4,012	17.4%

Table 2  
2013 Top 5 Districts in *Pro Se* Filings by Volume

	Total Filings	<i>Pro Se</i> Filings	% of Filings
California Central	75,581	18,655	24.7%
Middle District of Florida	41,167	6,427	15.6%
Northern District of Illinois	55,094	5,453	9.9%
Southern District of Florida	31,917	5,057	15.8%
Arizona	23,381	5,038	21.5%

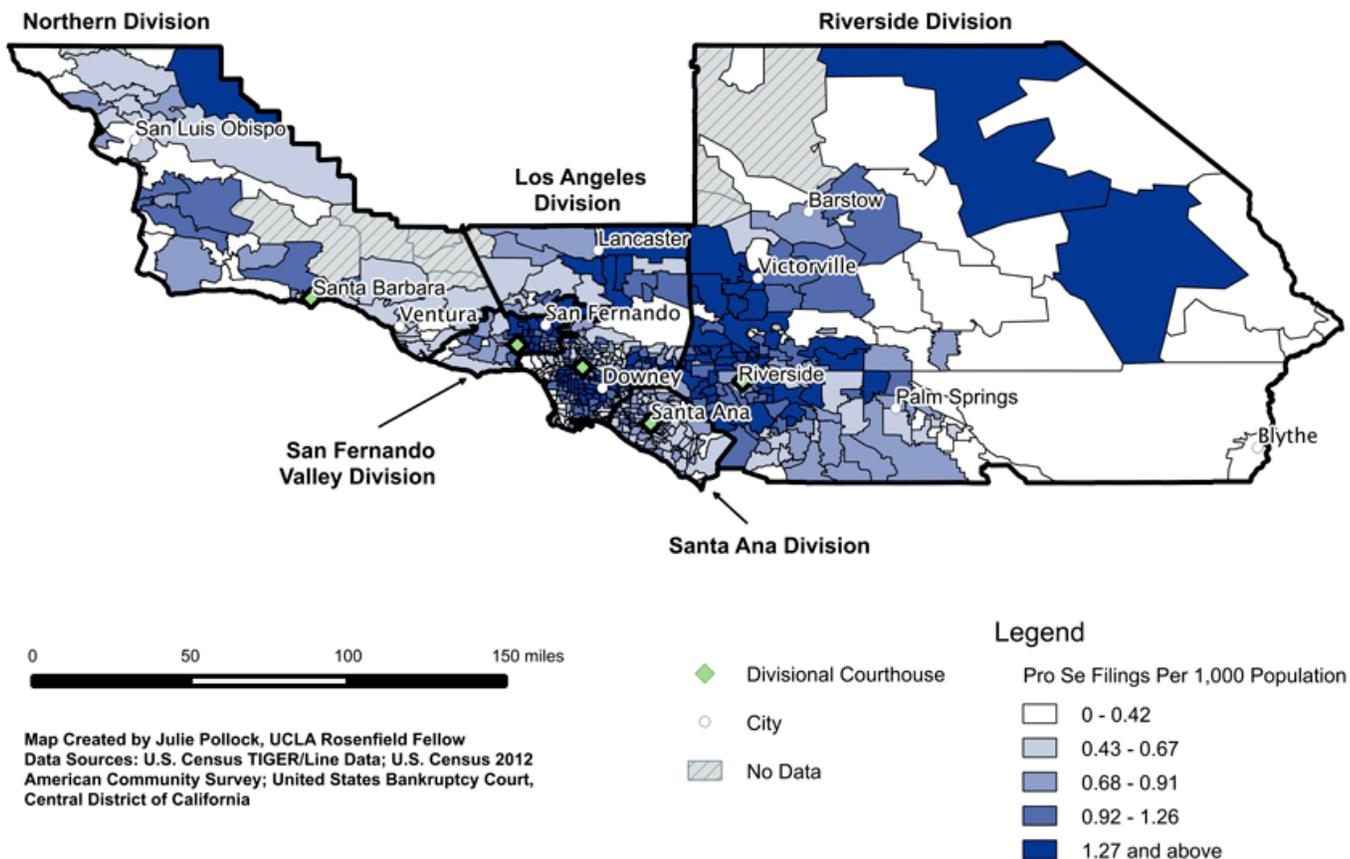
As 24.7 percent of the bankruptcy cases filed in the District were filed without counsel, fewer bankruptcy filings do not significantly impact the *pro se* share. The maps and charts in the following pages explore how the *pro se* cases are distributed geographically and among different chapters of the Bankruptcy Code. Attention to *pro se* needs remains essential to the Court's goal of providing access and quality service to the public.

**Table 3**

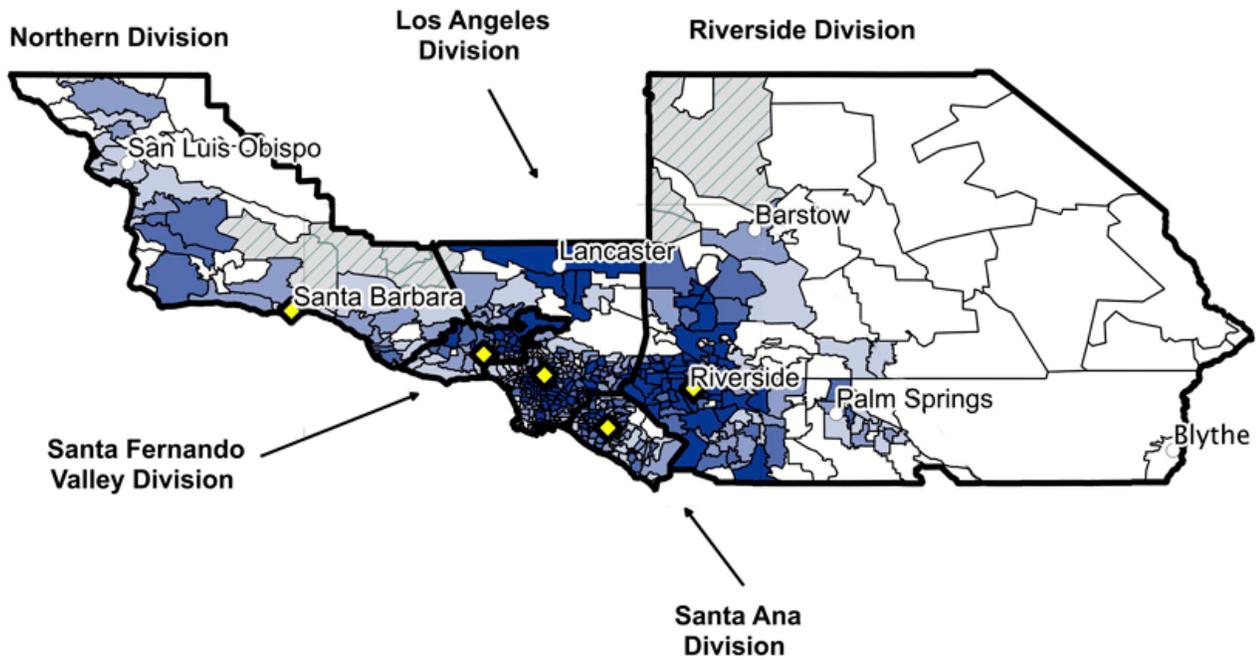
Representation In All Bankruptcy Filings  
12-Month Period Ending 12/31/13

	Represented	<i>Pro Se</i>	Total
Ch. 7	47,813	13,314	61,127
Ch. 9	0	0	0
Ch. 11	685	40	725
Ch. 12	1	1	2
Ch. 13	8,426	5,300	13,726
Ch. 15	1	0	1
Total	56,926	18,655	75,581
	75.3%	24.7%	N/A

United States Bankruptcy Court, Central District of California:  
Per Capita *Pro Se* Filings in 2013



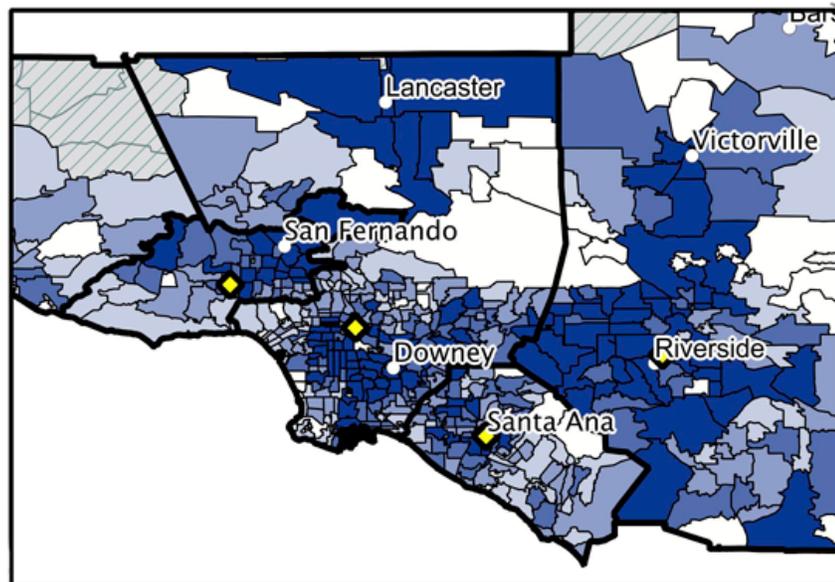
## 2013: Total Pro Se Filings by Zip Code United States Bankruptcy Court, Central District of California:



### Legend

#### Total Pro Se Filings

- 0 - 5 Filings
- 6 - 16 Filings
- 17 - 29 Filings
- 30 - 49 Filings
- 50 - 169 Filings
- No Data
- Divisional Courthouse
- City



Map Created by Julie Pollock, UCLA Rosenfield Fellow  
 Data Sources: Shapefiles from U.S. Census TIGER/Line Data;  
 Pro Se Filing Data from United States Bankruptcy Court, Central District of California

The previous two maps illustrate the distribution of *pro se* filings in the Central District in 2013. The first map displays Per Capita *Pro Se* filing rates (filings per 1,000 residents), showing high concentrations of *pro se* litigants in the following areas: Fontana, Rialto, Victorville and Moreno Valley (Riverside division), Koreatown, South Los Angeles, Carson, Downey, East Los Angeles, Lancaster, and Palmdale (Los Angeles division); Tarzana, San Fernando, Granada Hills, Sylmar and Pacoima (San Fernando Valley division); the City of Santa Ana (Santa Ana division); and Santa Barbara and Santa Maria (Northern division).

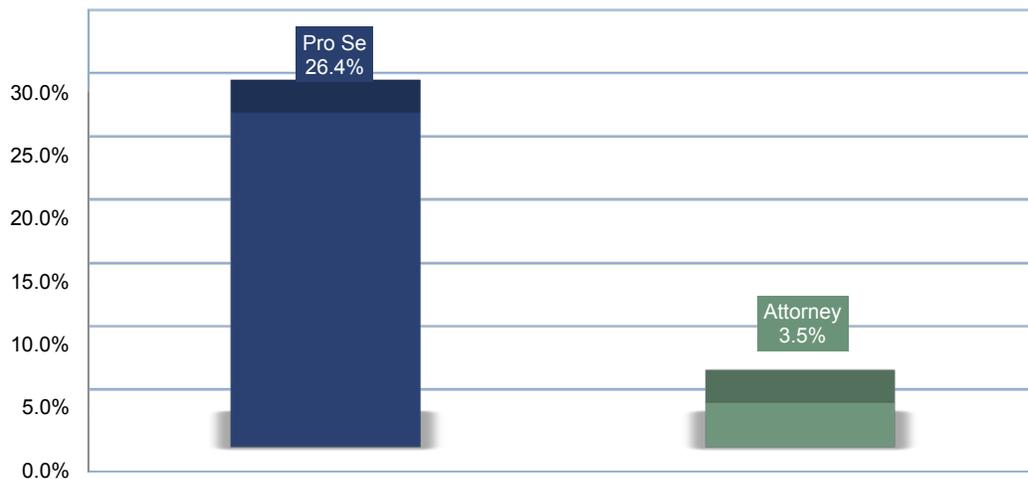
Each of the five divisions of the Court are situated in an area with a relatively high concentration of *pro se* litigants. This confirms that a self-help desk in each division is an effective method to reach many litigants. There are, however, also areas which are distant from the Court that have high concentrations of *pro se* filings (such as Lancaster, Palmdale, Sylmar, Victorville, and Santa Maria). Hopefully, the Court's implementation of projects discussed later in this report such as live chat, as well as improvements to the Court's "Don't Have an Attorney" webpage, may provide some assistance for debtors in remote locations.

It is important to note that the per capita *pro se* filing rates may be skewed in certain zip codes with extremely low populations (for example, there are zip codes in eastern San Bernardino County, as well as Northern San Luis Obispo County with populations of less than 100, where a single *pro se* petition results in a high filing rate.) The second map shows total *pro se* filings in each zip code for another perspective.

## B. Impact of Filing without an Attorney

Figure 3

U.S. Bankruptcy Court - Central District of California  
Percent of Chapter 7's Dismissed - 2013



Many *pro se* debtors seek the protection of the automatic stay to forestall events such as imminent home foreclosures. In their haste to file their cases in order to implement the stay, they may neglect to file the correct papers or meet the necessary deadlines. Such errors and miscalculations often result in the dismissal of their case, which will have very serious ramifications if they need to refile for bankruptcy.

The success rate remains notably low for *pro se* filers in the Central District. For example, in 2013, over 26 percent of chapter 7 *pro se* cases were dismissed without receiving a discharge, compared to 3.5 percent of cases filed by an attorney. The good news is that the chapter 7 dismissal rate for self-represented debtors is much lower than in 2012. In 2012, 33.7 percent of *pro se* chapter 7 cases were dismissed. This was reduced to 26.4 percent in 2013. Chapter 13 dismissal rates stayed roughly the same.

Figure 4

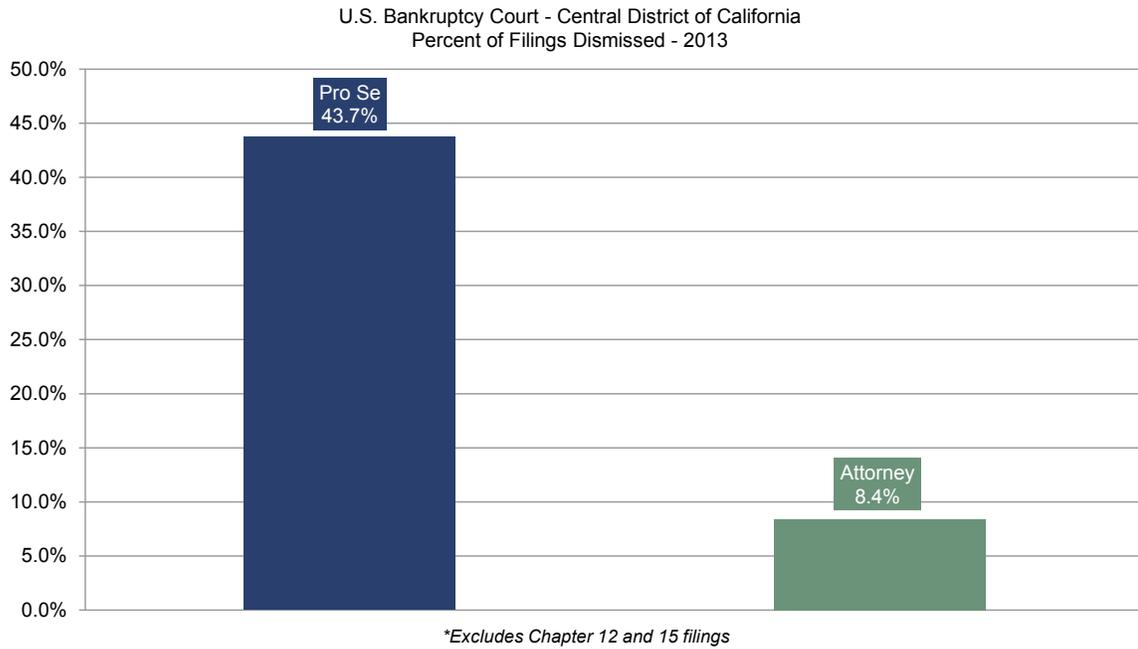
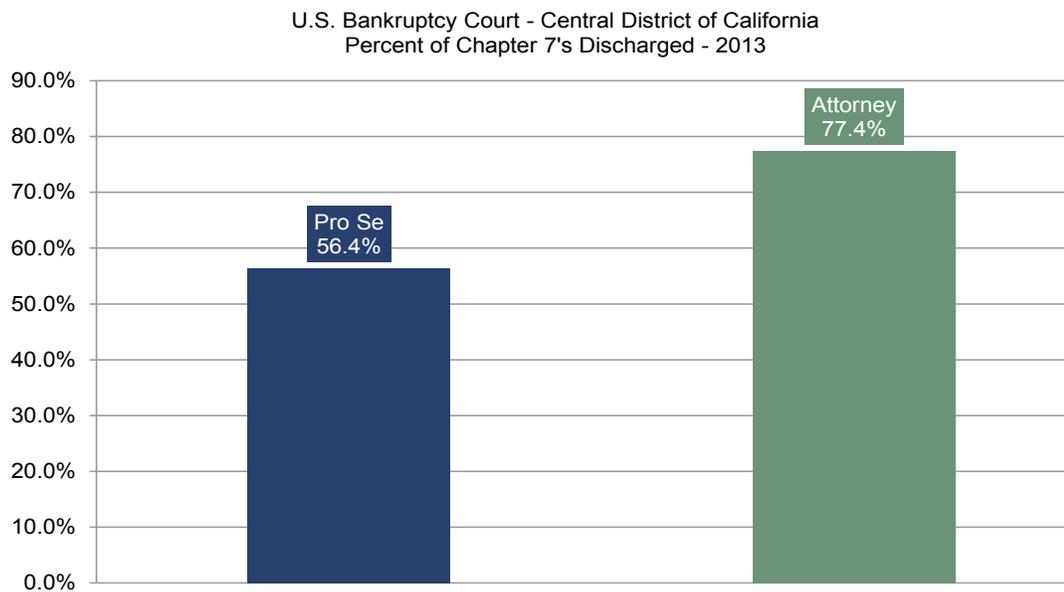


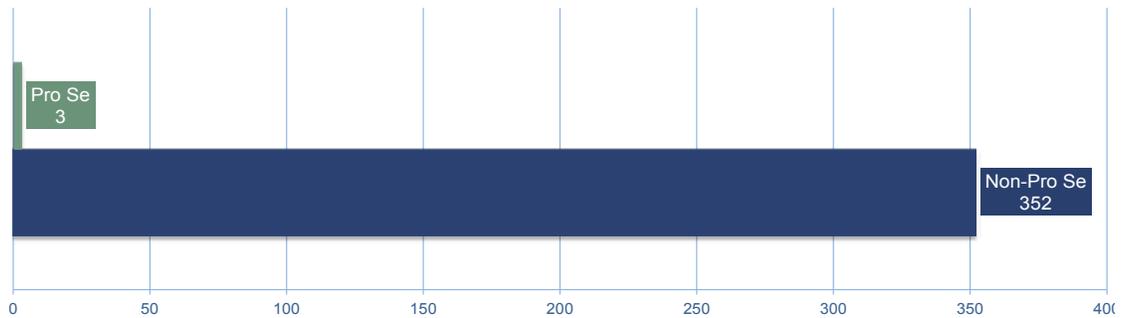
Figure 5



The 56.4 percent rate of discharge of chapter 7 filings in 2013 was just slightly higher than in 2012. While these rates indicate a substantial difference from attorney represented cases, they do indicate that there are ways to increase the success of debtors who cannot afford counsel.

Figure 6

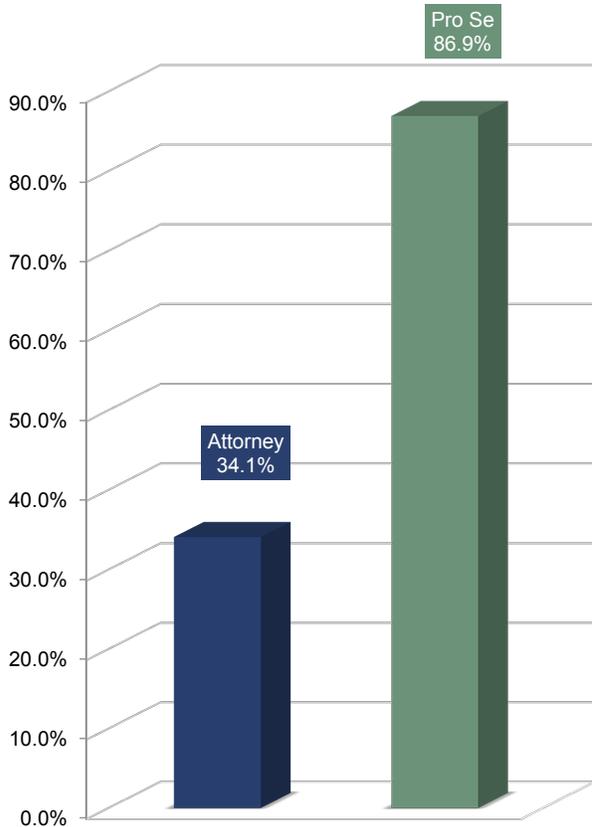
U.S. Bankruptcy Court - Central District of California  
Total Number of Cases with Chapter 13 Plan Confirmed - 2013



Chapter 13 continued to be a disaster for those without counsel – less than 0.1 percent of *pro se* chapter 13 cases were confirmed. Almost 90 percent of *pro se* chapter 13 cases were dismissed prior to confirmation, as compared to 34.1 percent of attorney cases.

Figure 7

U.S. Bankruptcy Court - Central District of California  
% of Chapter 13's Dismissed Prior to Confirmation - 2013



In order to overcome the challenges faced by self-represented parties, the Court enjoys the support of a robust network of *pro bono* organizations to connect self-represented individuals to free or low-cost legal representation and to resources that help them navigate through the process without an attorney. *Pro bono* programs are available to the public in all five of the Court's divisions. Self-represented parties are informed about *pro bono* programs from the Court's website, Intake personnel, judges on the bench, or through flyers that accompany certain Court notices.

Without the guidance of an attorney, even basic bankruptcy procedures present challenges for many filers who really need more assistance. The flyers, website and customer service provided by the Court are simply not enough for many self-represented parties to successfully complete a bankruptcy case. As a result, managing the unfamiliarity of filers with the bankruptcy process is ultimately shouldered by the Court and trustees, resulting in problematic cases and additional paperwork. The impact of this permeates Court and trustee operations.

### III. WHAT ARE THE BARRIERS TO ACCESS? A CLOSER LOOK AT LANGUAGE, INCOME AND BANKRUPTCY PETITION PREPARERS

#### A. Introduction

It has been a challenge to accurately study the specific correlation between different barriers to proper access to bankruptcy services in our Court. There is very little empirical data to support certain commonly held perceptions or to demonstrate where outreach efforts should be targeted. As resources for the courts appear to be diminishing, we have tried to focus access outreach and programs as much as possible to where they can help the most.

Repeated anecdotal information, situations that arise in cases and discussion with various attorneys, trustees and parties lead us to believe that debtors who do not speak English well or who are low income have the greatest barriers to access. This is further complicated by the prevalence of the use of unlicensed bankruptcy petition preparers (BPPs) by these parties. The following section is an attempt to be as specific as possible in looking at this complex issue. The available data generally supports what we have commonly understood about the self-represented population.

#### B. UCLA Luskin School's Ann C. Rosenfield Fellow

Thanks to the Honorable Sandra R. Klein's effort as chair of the Court's Community Outreach Committee, the Court's analysis of self-represented parties was also enhanced when the Court was selected to host Ann C. Rosenfield Fellow, Julie Pollock, for a year-long fellowship beginning in June 2013. During her fellowship, Ms. Pollock, while earning her Master's Degree in Social Welfare at UCLA, concentrated her research on seniors in bankruptcy, whether represented or not. Fortunately, she was able to lend her expertise with GIS mapping to add to our analysis of the intersection of income, Spanish speakers, and the use of bankruptcy petition preparers in the District. Her mapping project is featured throughout this section of the report. Ms. Pollock also created the interactive bankruptcy timeline discussed elsewhere in this report.

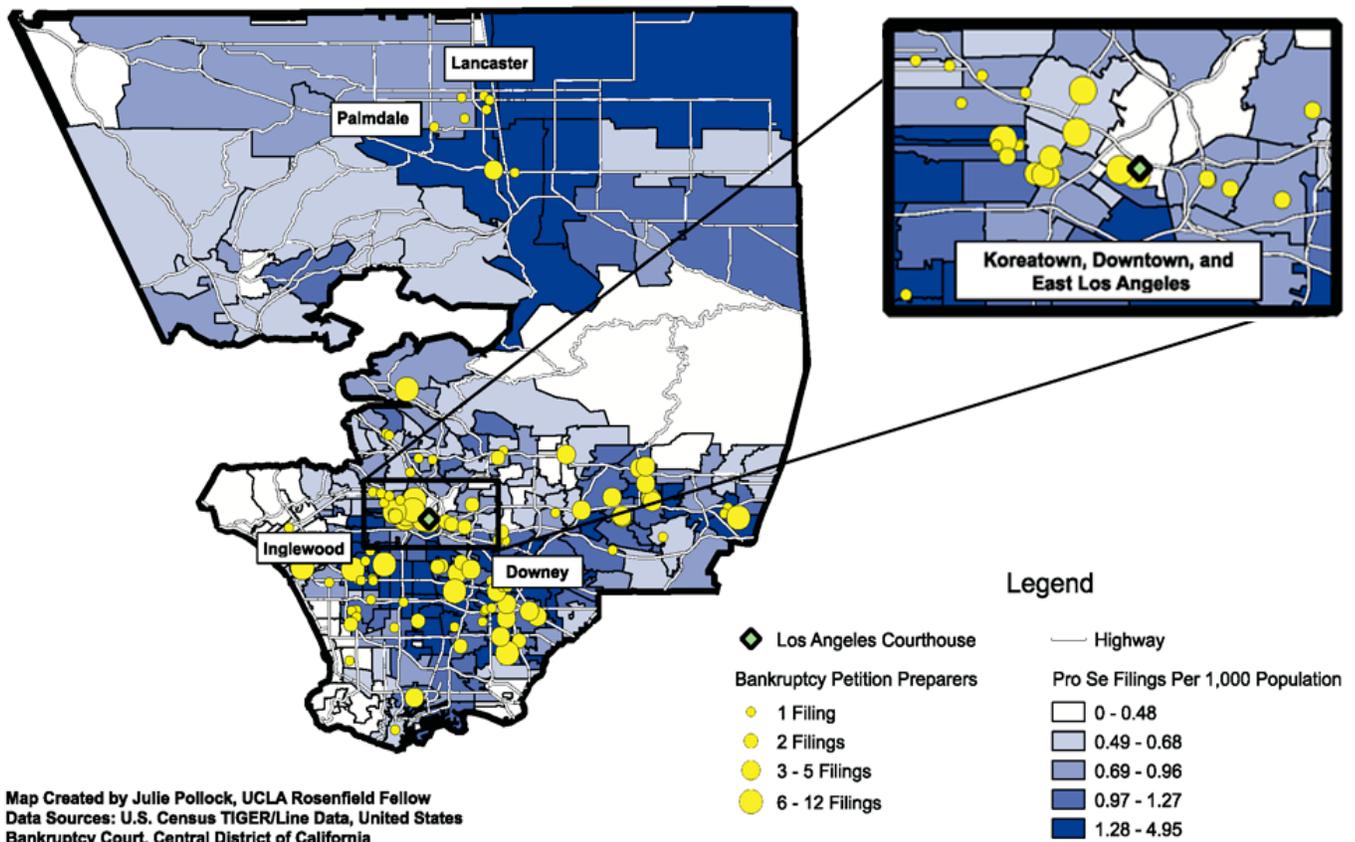
#### C. Bankruptcy Petition Preparers

Division	Total # of BPP Disclosed	% of BPP Disclosed of Division's <i>Pro Se</i> Filings	Total <i>Pro Se</i> Filings by Division	Total <i>Pro Se</i> Filings District Wide	% of BPP Disclosed of District's <i>Pro Se</i> Filings
Los Angeles	2,186	25.7%	8,511		11.7%
Riverside	1,630	33.0%	4,933		8.7%
San Fernando Valley	389	18.7%	2,079		2.1%
Santa Ana	382	16.7%	2,291		2.0%
Northern	453	53.9%	841		2.4%
Total	5,040		18,655		18,655

The table above lists the number of cases in 2013 in which a bankruptcy petition preparer (BPP) met the requirement to disclose assistance with a bankruptcy filing. As evident from the table, reported BPP assistance, alone, constitutes over a quarter of the Court's *pro se* filings. As discussed in more depth in last year's report, the majority of BPPs do not disclose their involvement. Although the most common fee disclosed was \$200, there have been numerous cases where a BPP has charged more than that. For example, it is not uncommon to encounter a debtor who has been charged \$1,500 by a non-lawyer solely for the service of preparing a bankruptcy petition.

Especially when BPP fees may exceed that charged by attorneys, the presence of *pro bono* resources and raising awareness of these resources are essential to ensuring those facing bankruptcy are actually able to obtain the best relief they are qualified to receive, which may only be possible with the attention of an actual attorney. The following map shows BPP use in relation to the number of *pro se* filings in the Los Angeles Division (charts have not been produced for other divisions).

A Closer Look: Los Angeles Division  
Pro Se Filings Per Capita and Bankruptcy Petition Preparers in 2013



## D. Language Barriers

*Pro Se* filers facing a language barrier are doubly disadvantaged in failing to obtain counsel in addition to being unfamiliar with the bankruptcy process. The large number of Spanish requests and the variety of languages requested both serve to underscore the need for interpretation services even before a filer meets with a trustee for the meeting of creditors. This is especially true given that immigrant populations are often targeted by bankruptcy petition preparers (BPPs). The chart below summarizes the language assistance requests received by the United States Trustee in one month for the meeting of creditors.

**United States Trustee Program**  
Language Assistance Summary Statistics for May 2013

Language	VOLUME						PERCENTAGE					
	Los Angeles	Riverside	Santa Ana	Woodland Hills	Santa Barbara	Grand Total	Los Angeles	Riverside	Santa Ana	Woodland Hills	Santa Barbara	All Offices
Armenian	9			4		13	2.6%			8.9%		1.9%
Cambodian	2					2	0.6%					0.3%
Cantonese	1	1				2	0.3%	0.5%				0.3%
Farsi	2			2		4	0.6%			4.4%		0.6%
Indonesian		1				1		0.5%				0.1%
Japanese		1				1		0.5%				0.1%
Korean	34	6	7	1	1	49	9.7%	3.1%	8.5%	2.2%	4.3%	7.0%
Mandarin	5		1			6	1.4%		1.2%			0.9%
Portuguese				1		1				2.2%		0.1%
Russian	2			2		4	0.6%			4.4%		0.6%
Spanish	291	182	62	35	22	592	82.7%	93.8%	75.6%	77.8%	95.7%	85.1%
Taiwanese	1					1	0.3%					0.1%
Thai	1					1	0.3%					0.1%
Turkish		1				1		0.5%				0.1%
Vietnamese	4	2	12			18	1.1%	1.0%	14.6%			2.6%
<b>Grand Total</b>	<b>352</b>	<b>194</b>	<b>82</b>	<b>45</b>	<b>23</b>	<b>696</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

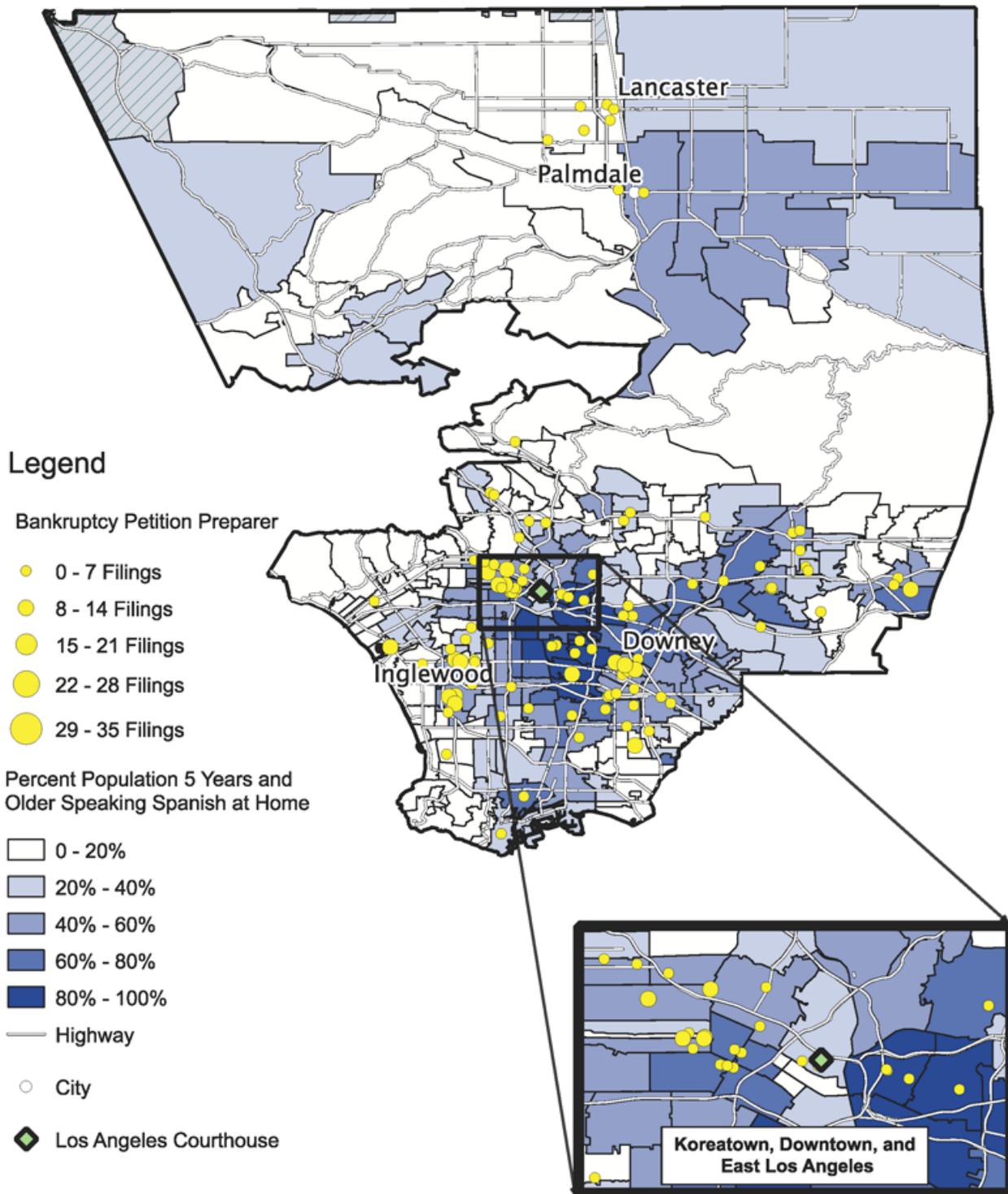
May 2013 Excerpt of United States Trustee Program Language Assistance Summary Statistics from January through December 2013.

In an effort to study the correlation of the predominance of Spanish speakers with the use of bankruptcy petition preparers, the following charts map Spanish speaker households (using census data) with known BPPs. The maps display the distribution of BPPs (indicated by yellow graduated circles) in relation to the Spanish-speaking population (indicated by the blue color gradient) throughout the District. A correlation is evident between bankruptcy petition preparer locations and the concentration of Spanish-speakers throughout the District, which is believed to be related to the prevalence of BPPs who advertise themselves as Notarios in Latino immigrant communities. Notarios are non-attorneys who provide various kinds of legal assistance to clients. According to a Harvard Latino Review article, *What's in a name?: Notarios in the United States and the exploitation of a vulnerable Latino immigrant population*, by Anne E. Langford, approximately 20 percent of all Latino immigrants in the United States have hired a Notario for legal assistance (2004:115-136). Unfortunately, due to the problematic translation of the word Notario, many individuals may misunderstand the nature of the services they are receiving. Throughout much of Latin America – including Mexico, Argentina, Peru and Honduras – the word Notario signifies a professional with actual legal training; in the United States, however, the term is used primarily by non-attorneys who have no legal training beyond that of a Notary Public.

BPP locations are based on the disclosed business addresses from a sample of nearly 500 “BPP-flagged” petitions filed in September and October of 2013. Some bankruptcy petition preparers were more heavily represented in the sample than others (some filed as many as 35 petitions within the sample; while others filed only one) and this is represented in the map using graduated circles to illustrate the number of petitions filed by BPPs. The data is limited because there was no

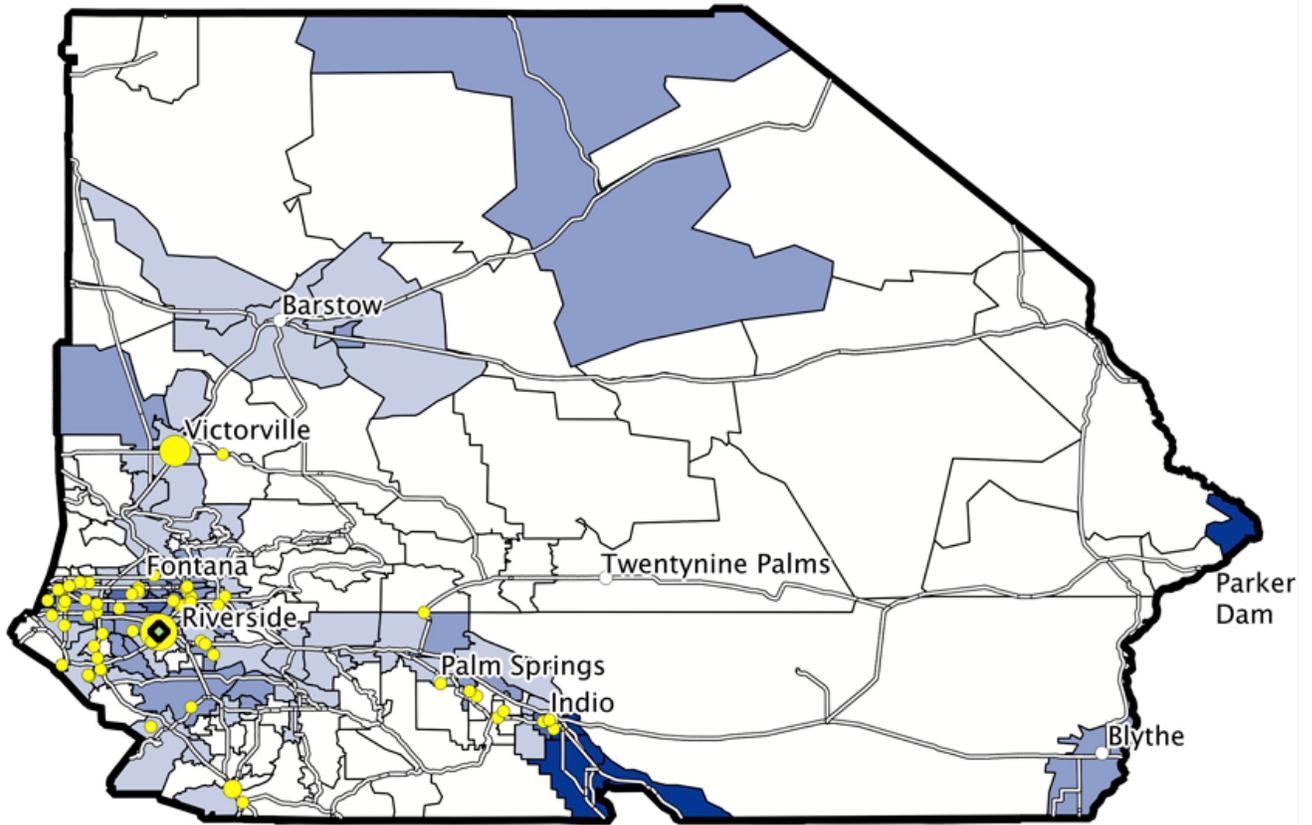
way to quantify the great number of undisclosed BPPs, but we believe the limited sample provides a fair and accurate estimate of the location BPP activity. A clustering of BPPs is apparent in the following cities with high Spanish-speaking populations: East Los Angeles, Downey, Fontana, and the City of Santa Ana. While the charts simply provide generalized correlations between BPP activity and Spanish speakers, they may provide our many *pro bono* attorney partners with some guidance on where Spanish language outreach may be most effective.

## A Closer Look: Los Angeles Division Bankruptcy Petition Preparers from 2013 Sample and Spanish-Speaking Population by Zip Code



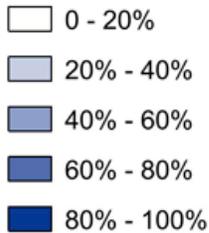
Map Created by Julie Pollock, UCLA Rosenfield Fellow  
 Data Sources: Los Angeles County Shapefile from U.S. Census TIGER/Line Data;  
 Spanish-speaking population data from U.S. Census 2012 American Community Survey; Bankruptcy Petition Preparer  
 locations from two month sample of 2013 filing data, United States Bankruptcy Court, Central District of California

## A Closer Look: Riverside Division Bankruptcy Petition Preparers from 2013 Sample and Spanish-Speaking Population by Zip Code



### Legend

Population 5 Years and Older  
Speaking Spanish at Home



Bankruptcy Petition Preparer



○ City

◆ Riverside Divisional Courthouse

— Highway

Map Created by Julie Pollock, UCLA Rosenfield Fellow

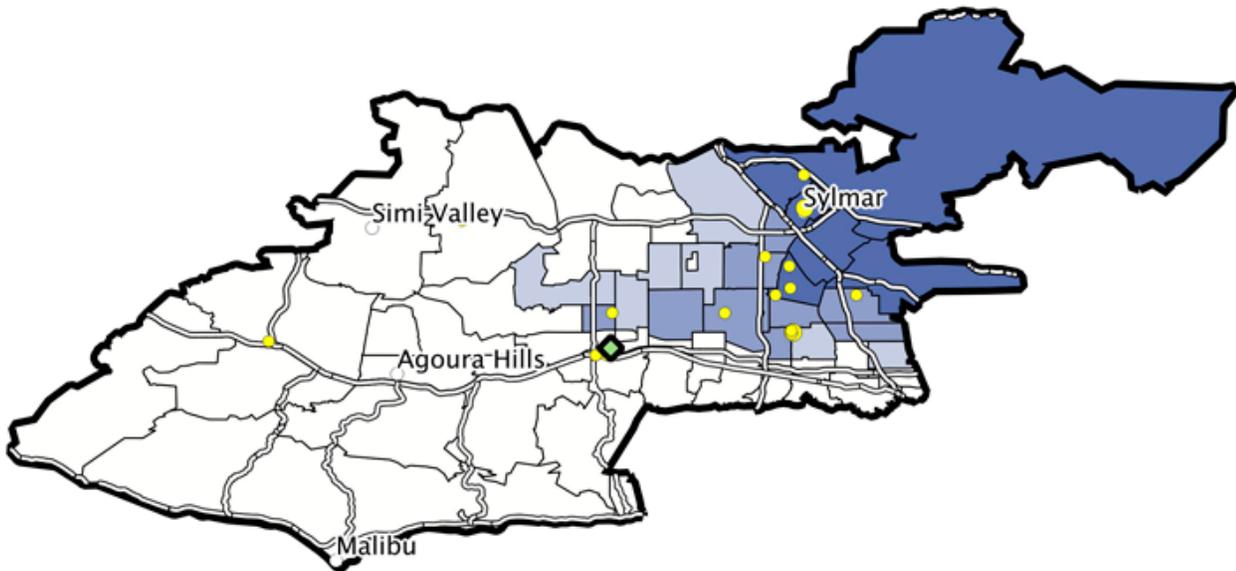
Data Sources: County Shapefile from U.S. Census TIGER/Line Data;

Spanish-speaking population data from U.S. Census 2012 American Community Survey;

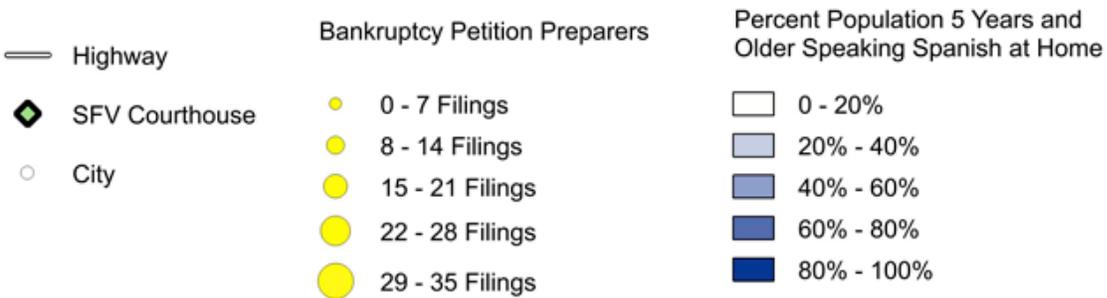
Bankruptcy Petition Preparer locations from two month sample of 2013 filing data, United States

Bankruptcy Court, Central District of California

## A Closer Look: San Fernando Valley Division Bankruptcy Petition Preparers from 2013 Sample and Spanish-Speaking Population by Zip Code

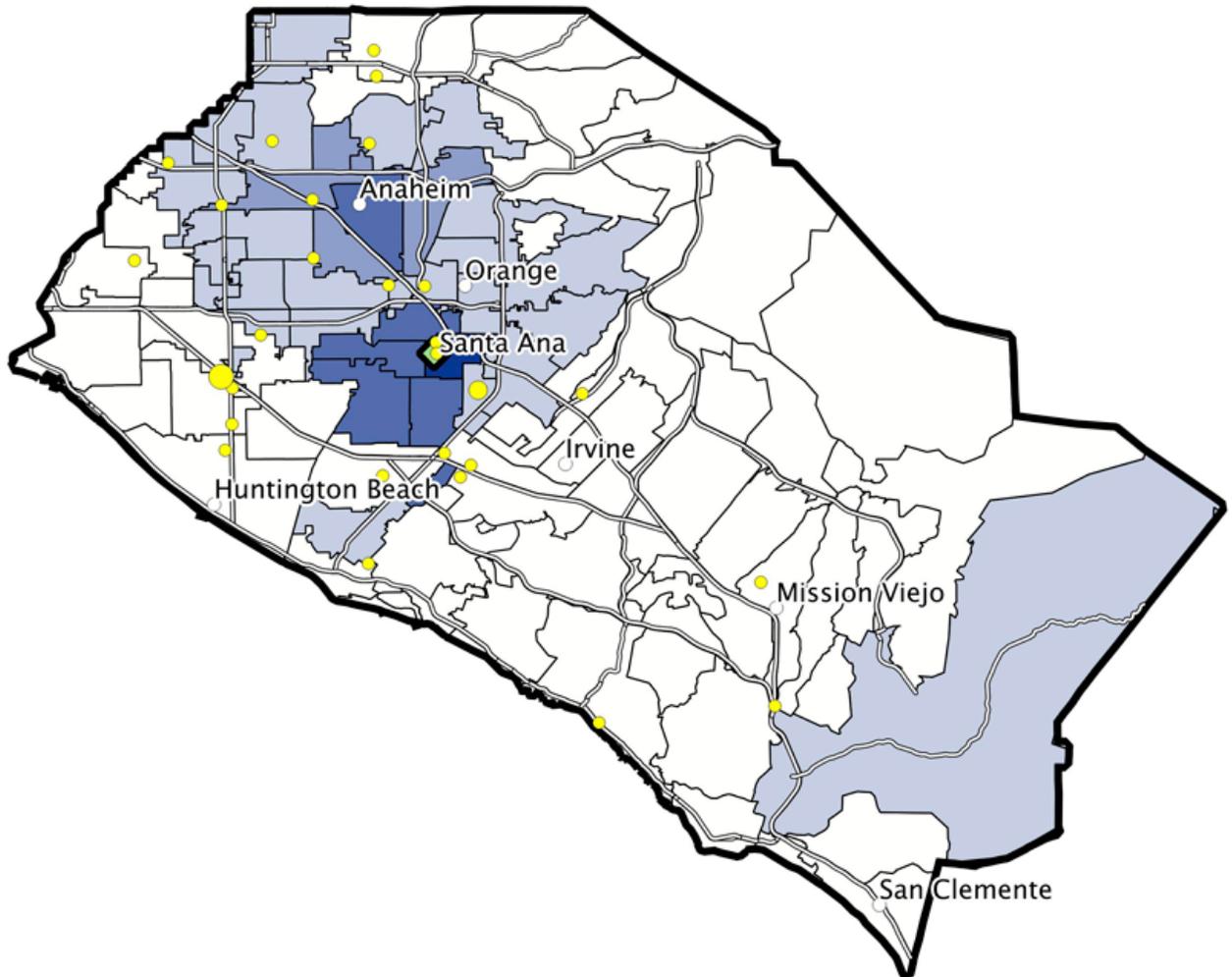


### Legend



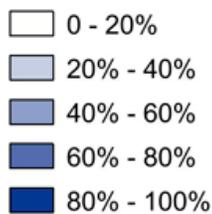
Map Created by Julie Pollock, UCLA Rosenfield Fellow  
 Data Sources: County Shapefile from U.S. Census TIGER/Line Data;  
 Spanish-speaking population data from U.S. Census 2012 American Community Survey;  
 Bankruptcy Petition Preparer Locations from two month sample of 2013 filing data, United States Bankruptcy Court, Central District of California

## A Closer Look: Santa Ana Division Bankruptcy Petition Preparers from 2013 Sample and Spanish-Speaking Population by Zip Code

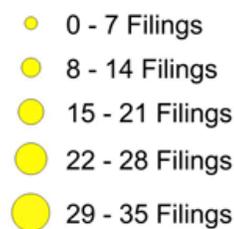


### Legend

Percent Population 5 Years and Older Speaking Spanish at Home



Bankruptcy Petition Preparers



Santa Ana Courthouse

Highway

City

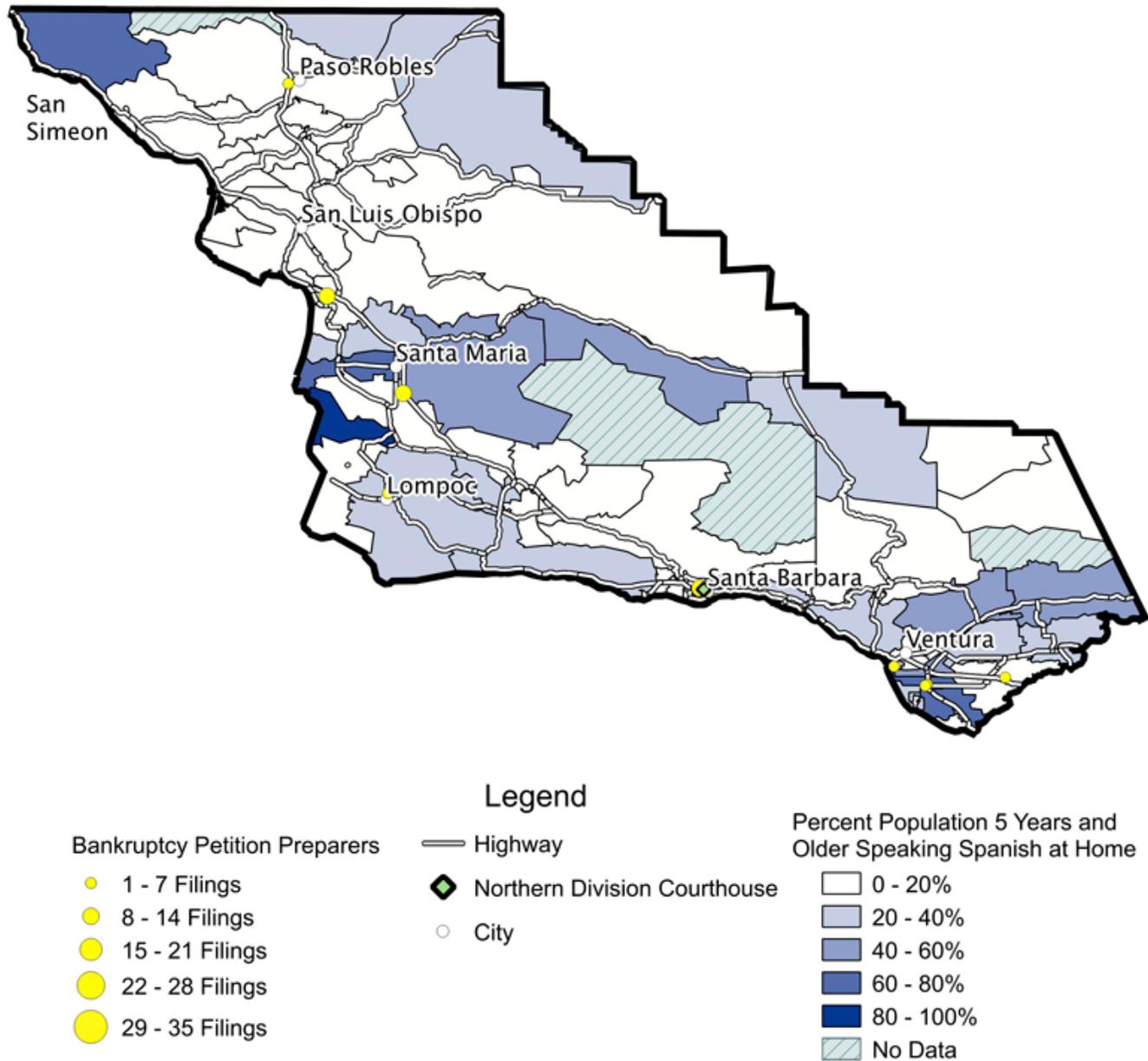
Map Created by Julie Pollock, UCLA Rosenfield Fellow

Data Sources: County Shapefile from U.S. Census TIGER/line Data;

Spanish-speaking population data from U.S. Census 2012 American Community Survey;

Bankruptcy Petitioner Preparer locations from two month sample of 2013 filing data, United States Bankruptcy Court, Central District of California

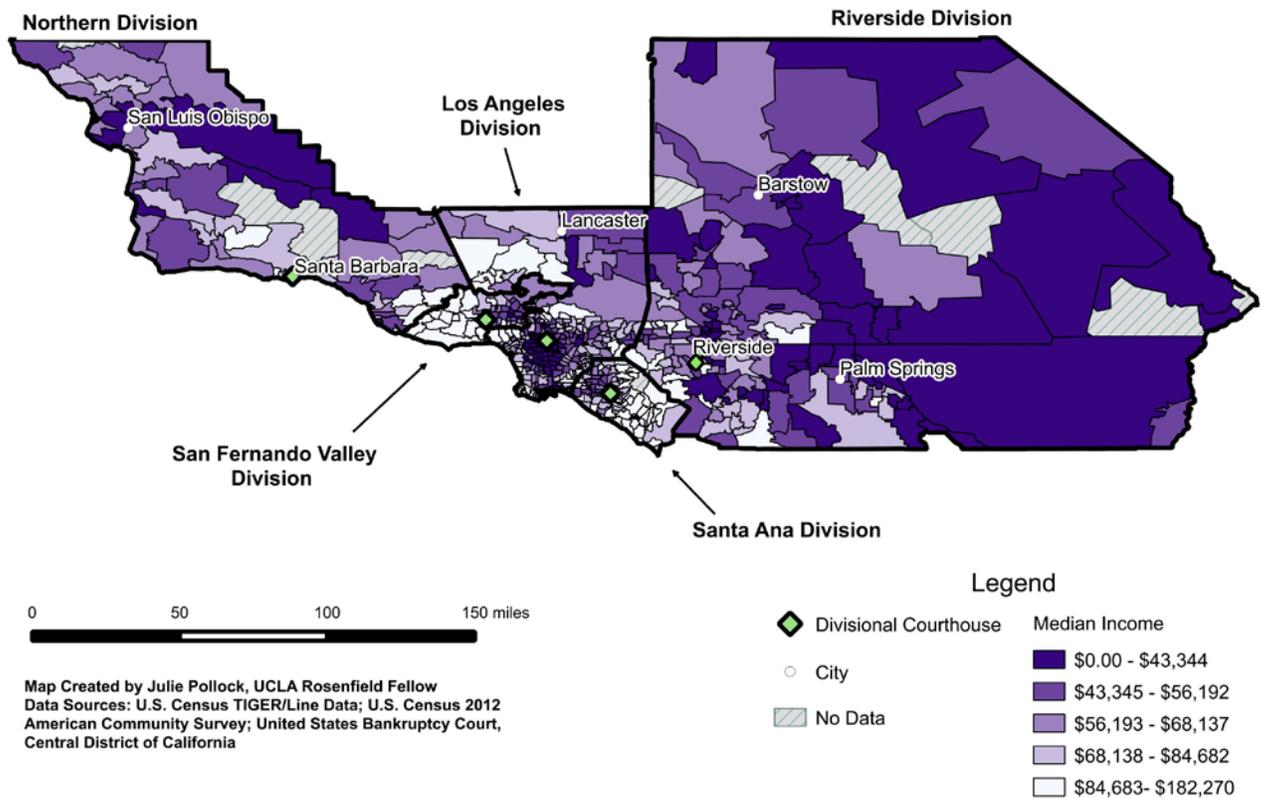
## A Closer Look: Northern Division Bankruptcy Petition Preparers from 2013 Sample and Spanish-Speaking Population by Zip Code



Map created by Julie Pollock, UCLA Rosenfield Fellow  
 Data Sources: County Shapefile from U.S. Census TIGER/Line Data;  
 Spanish-speaking population data from U.S. Census 2012 American Community Survey;  
 Bankruptcy Petition Preparer data from two month sample of 2013 filing data, United States  
 Bankruptcy Court, Central District of California

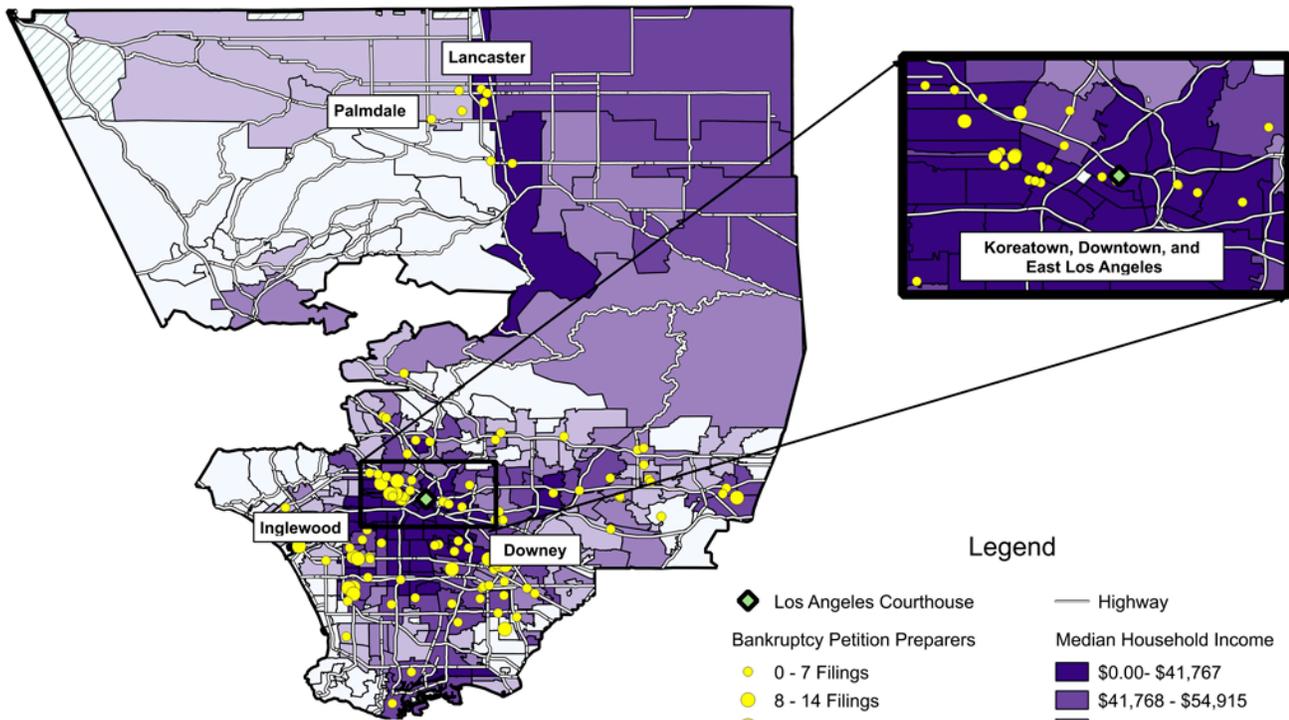
## E. Income Disparity

United States Bankruptcy Court, Central District of California:  
Median Household Income by Zip Code



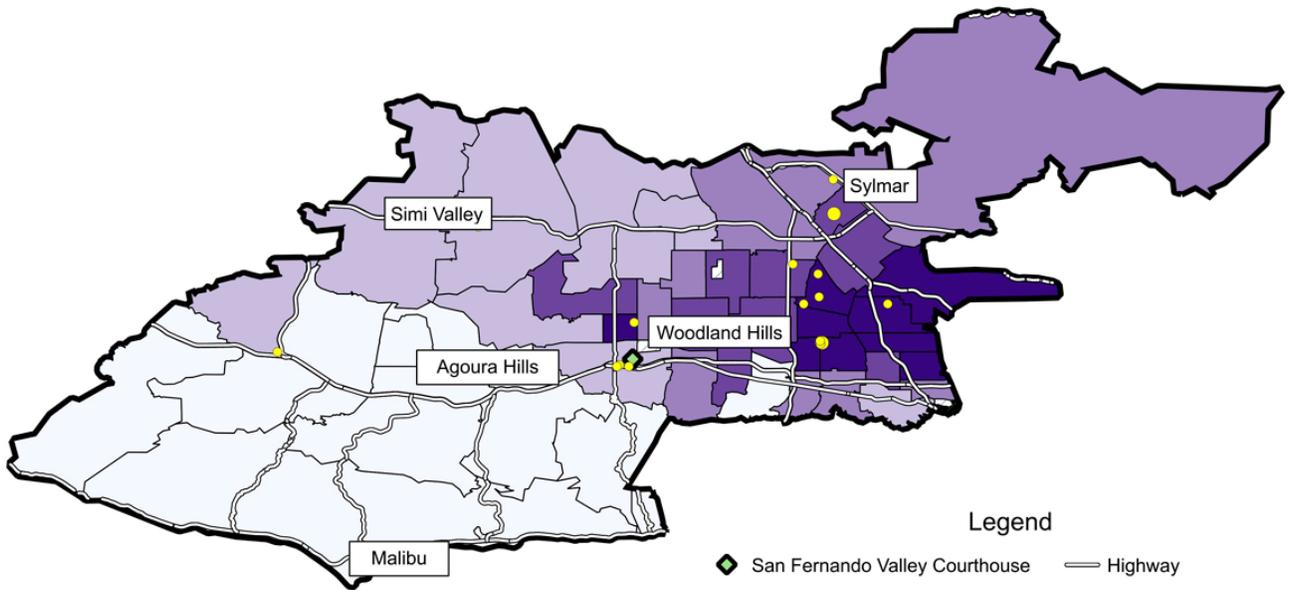
This map illustrates the considerable income disparity among communities within the District. Not surprisingly, in areas where the median household income is lower, *pro se* filing rates are higher, and the number of BPPs also increases.

A Closer Look: Los Angeles Division  
 Bankruptcy Petition Preparers from 2013 Sample and Median Income by Zip Code



Map Created by Julie Pollock, UCLA Rosenfield Fellow  
 Data Sources: County Shapefile from U.S. Census TIGER/Line Data; Median Income Data from U.S. Census 2012 American Community Survey; Bankruptcy Petitioner locations from 2 month sample of 2013 filing data, United States Bankruptcy Court, Central District of California

A Closer Look: San Fernando Valley Division  
 Bankruptcy Petition Preparers from 2013 Sample and Median Income by Zip Code



San Fernando Valley Courthouse  
 Highway  
 Bankruptcy Petition Preparers  
 1 - 7 Filings  
 8 - 14 Filings  
 15 - 21 Filings  
 22 - 28 Filings  
 29 - 38 Filings  
 Median Household Income  
 \$0.00 - \$49,385  
 \$49,386 - \$60,752  
 \$60,753 - \$77,556  
 \$77,557 - \$99,928  
 \$99,929 - \$131,042

## IV. PROGRAMS AND SERVICES

Since 2011, the Court has added a wide array of resources for self-represented parties visiting the Court's website and Intake areas. Both at the window and online, the Court provides petition packets that include instructions and examples for filling out the petition. The Court website has long displayed judge specific information, trustee offices, FAQ's for a broad range of bankruptcy questions (in both Spanish and English), links to approved credit counseling agencies and financial management courses, bankruptcy fees, and download ready rules and forms. Additionally, the Court distributes State Bar pamphlets, and other flyers specifically troubleshooting the common problems that arise in cases filed by those without an attorney.

The screenshot shows the homepage of the United States Bankruptcy Court Central District of California. The header includes the court's name and the names of the Chief Judge and Clerk of Court. A navigation bar contains links for Home, About the Court, CM/ECF, Rules & Procedures, Forms, Don't Have an Attorney (highlighted with a white arrow), Information, Court Locator, and Judges. Below the navigation bar, there are several sections: Case Locator (PACER), E-Filing (CM/ECF), and Court Manual on the left; a District Profile section with a cityscape image and text about the district's population and area; Calendar Information and Programs & Services on the bottom left; and News & Announcements on the bottom right. A search bar is located in the top right corner.

The "Don't Have an Attorney" page on the Court's website is a one-stop page providing self-help guidance. Information is geared toward those who have yet to file and those who have already filed. This page includes the hours for self-help clinics and seminars offered at each division, and contact information for free or low cost bankruptcy attorneys. In 2013, the page was updated to include new videos created in cooperation with Public Counsel's Los Angeles Self-Help Desk, and a Bankruptcy Timeline, showing important deadlines and providing an overview of the process.

The screenshot shows the "Don't Have an Attorney" page. It features two video thumbnails: "Before you file" and "After you file". Below the videos is a list of links for "What to look for once I've filed", including "What is bankruptcy?", "Where do I file?", "What forms are required?", "How do I file?", "Risks of paying a non-attorney", "Bankruptcy Timeline", and "Bankruptcy Petition Preparer Guidelines". A red arrow points to the "Bankruptcy Timeline" link. There is also a "Check out our FAQ page" section.

## A. Video Instructions on How to Prepare a Chapter 7 Bankruptcy Petition

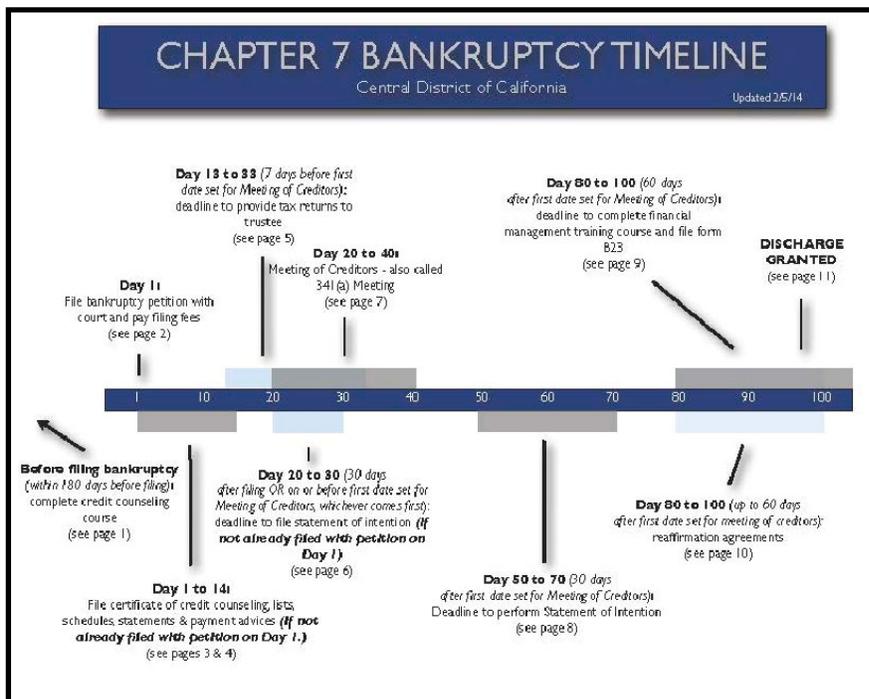
In the spring of 2012, the Court first began its partnership with Public Counsel to create two videos. The second of two videos was completed in September of 2013 and consisted of Public Counsel’s seminar providing step-by-step instructions on how to fill out the bankruptcy petition and schedules. The first video is a 35 minute recording of Public Counsel’s bi-weekly seminar providing a general overview of bankruptcy. The 2013 Chapter 7 Overview video was completed and posted on both



the Court’s “Don’t Have an Attorney” webpage and on Public Counsel’s YouTube channel. This detailed seminar provides prospective filers with a three and a half hour, page-by-page instruction on how to complete a chapter 7 bankruptcy petition using a sample petition, including all schedules and local court forms. It has been divided into segments to allow users to quickly navigate to the desired sections of the petition for viewing by those who are unable to attend Public Counsel’s seminar in person, and for those who would like to revisit specific material from the seminar. In the future, Public Counsel will be creating a similar video using the same material with just the national forms, as a general version to be shared with other courts across the nation.

## B. Interactive Chapter 7 Bankruptcy Timeline Created

The Court has published an interactive, virtual timeline of chapter 7 bankruptcy. The timeline visually represents a typical sequence of events for chapter 7 bankruptcy -- beginning with the pre-filing credit counseling course, and ending with the bankruptcy discharge. Debtors can click on each event in the timeline to find more information on specific requirements, deadlines, and links to useful resources. The timeline gives debtors critical information in manageable segments geared for just the part of the bankruptcy case they need.



### C. Electronic Filing of Fee Waiver Requests by *Pro Bono* Attorneys

In June 2013, the Court launched a new pilot program enabling attorneys who are handling chapter 7 petitions on a *pro bono* basis to file fee waiver requests electronically on behalf of clients receiving free legal advice. This new capability makes *pro bono* representation more convenient by eliminating the need for an attorney to travel to the courthouse in person to file a fee waiver (as previously required) when assisting with these filings. It is hoped this new accommodation will encourage more attorneys to take on *pro bono* representation. The Court plans to expand the pilot program in 2014.

### D. *Pro Bono* Volunteers Honored

In order to acknowledge the important service provided by the *pro bono* organizations and volunteer attorneys that run self-help desks and seminars at each division, since 2011 the Court has published an “[Honor Roll of Pro Bono Volunteers](#).” From its first publication, Chief Judge Peter H. Carroll introduced the Honor Roll with a letter of acknowledgement. The Honor Roll is published annually at the end of October in support of the American Bar Association’s National *Pro Bono* Celebration Week. To appear on the Honor Roll, the Court accepts email submissions from each *pro bono* organization with the volunteer names to be added on a quarterly basis. The names to be removed are to be provided by each organization in September for the Court’s annual update.

In 2013, the Court expanded its recognition of *pro bono* service with a reception for its Honor Roll volunteers. With assistance from the Attorney Admissions Fund, the Court provided light refreshments and certificates of recognition to each of the volunteers on the 2013 Honor Roll. Chief Judge Peter H. Carroll provided brief remarks to a crowd of over 40 guests, including judges, attorneys, and Court staff. The Court appreciates the substantial contributions volunteers provide to improving the bankruptcy process for all parties involved.

The invitation card is divided into several sections. At the top left, an orange box contains the event details: **When:** Thursday, October 24, 2013; **Time:** 2:00 to 2:45 PM; **Where:** Room 283, U.S. Bankruptcy Court, Edward R. Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012. To the right of this box is a circular logo with the text "Celebrate Pro Bono" and the website "http://celebrateprobono.org". Below the event details is a large blue box with white text that reads: "The United States Bankruptcy Court's Pro Se Committee cordially invites you to A Celebration in Honor of Pro Bono Volunteers with remarks by the Honorable Peter H. Carroll, Chief Judge. Coffee and light refreshments will be served." At the bottom left of the card is the official seal of the United States Bankruptcy Court, Central District of California. At the bottom right is an orange box with the text: "If you will be able to attend, please kindly respond by email to Jennifer\_Wright@cab.uscourts.gov or contact Jennifer Wright, Administrative Specialist (213) 894-8894 by Monday, October 14, 2013".

The complete list of 2013 *pro bono* volunteers honored appears at the end of this report.

## E. eSR Pro Se eFile Project

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA

Welcome to the United States Bankruptcy Court, Central District of California  
electronic Self-Representation (eSR) bankruptcy petition preparation system

Start a New Petition Package Continue a Petition Package

Fill in the information below to create a new account. If you previously started a petition package and want to continue working on it, click the "Continue a Petition Package" tab.

Email Address:

Re-enter the Email Address:

Create a Password:

Re-enter the Password:

First Name:

Middle Name:

Last Name:

Generation:

Phone Number:

Start a new petition package

Bald 20140801-1540

The Electronic Self-Representation (eSR) software, which allows self-represented individuals to create and submit a chapter 7 bankruptcy petition electronically, continues to be refined by the Administrative Office of the United States Courts (AO) with the assistance of three test courts: New Jersey, New Mexico, and the Central District of California. In 2013, the AO's IT Systems Deployment & Support joined the test courts and began independent testing of the software. Their role is to try to replicate issues encountered by the test courts and report any findings to the AO's Department of Technology Services. The software was updated to ensure compatibility with CM/ECF 5.1 and new official form revisions which took effect April 1st of 2013. Once version 5.1 has been used live and it has been determined that all systems and databases are functioning properly, the test courts will put eSR through its paces before it becomes available at all self-help desks.

To prepare for the launch of eSR, an interim pilot program was implemented in June of 2013 at the Los Angeles Division's Self-Help Resource Center. With the assistance of Public Counsel, debtors were able to use an onsite resource computer to fill out an electronic chapter 7 petition. Clerk's Office staff provided procedural assistance during this pilot while legal questions were directed to Public Counsel. Debtors were selected to use eSR after attending Public Counsel's chapter 7 bankruptcy seminar, held twice a month in downtown Los Angeles. All debtors who participated in the interim fillable forms pilot successfully filed bankruptcy and received a discharge.

## F. Court Technology Conference

The Honorable Maureen A. Tighe, Administrative Manager John Kohler, and Operations Specialist Sabrina Palacio-Garcia attended the Court Technology Conference hosted by the National Center for State Courts which took place September 17 – 19, 2013, in Baltimore, Maryland. The conference featured a full track on the use of technology to assist in court access for the self-represented, and workshops such as *What SRLs (self-represented litigants) Need and How to Increase Access*. The Court took the ideas presented at the conference and promptly began adapting them, where appropriate. The previously discussed interactive chapter 7 bankruptcy timeline is an example of an idea produced at the conference that has already been implemented.

CTC 2013 Baltimore, MD September 17 - 19, 2013

HOME ATTENDERS EDUCATION PROGRAM SPONSORSHIP EXHIBIT INFO HOTEL INFO CONTACT

Geek Off Harness your nerd power!

DAILY POLL: How important is the relationship between your Judicial Branch and your Legislature to the funding of IT projects?

JOIN OUR COMMUNITY

SPONSORS: tyler technologies

## G. Online Chat

UNITED STATES BANKRUPTCY COURT  
Central District of California  
Hon. Peter H. Carroll, Chief Judge • Kathleen J. Campbell, Clerk of Court

Search this site  GO

Home About the Court CM/ECF Rules & Procedures Forms Don't Have an Attorney Information Court Locator Judges

Case Locator (PACER) »  
E-Filing (CM/ECF) »  
Court Manual »

Annual Report  
The Court's 2013 Annual Report highlights the year's accomplishments and milestones. View the web version of the report [here](#).

Calendar Information  
Self Calendaring  
Tentative Rulings / Posted Calendars

Programs & Services  
Mediation Program  
Pro Bono Volunteers Honored  
Pro Bono Opportunities  
Report Bankruptcy Fraud  
Debtor Assistance Project

For Debtors  
For Creditors  
For Attorneys  
Chat Live! 9am-4pm PST

Quicklinks  
• Información en Español

News & Announcements  
April 25, 2014  
CM/ECF Server Maintenance on May 4, 2014 from 8:00 AM to 12:00 Noon  
April 8, 2014  
Transfer and Reassignment of Cases and Changes in Zip Code-Defined Jurisdictions - Effective May 10, 2014  
[View all »](#)

understanding Learn more about

Ninth Circuit

The Court's new Online Chat has also been developed to make it easier for court users to get needed answers. In this initial phase, the chat feature was only available to limited filers using CM/ECF. The new feature allows these users to engage in online instant messaging with a Court representative to answer case specific questions and obtain links to frequently requested forms, motions, and orders. Online chat is available Monday through Friday from 9:00 am to 4:00 pm, excluding federal holidays and other published Court closures. In 2014, the new feature will be made available to all visitors surfing the Court's website and to self-represented litigants through the Court's "Don't Have an Attorney" page. This service may help parties in remote locations who cannot visit our self-help desks.

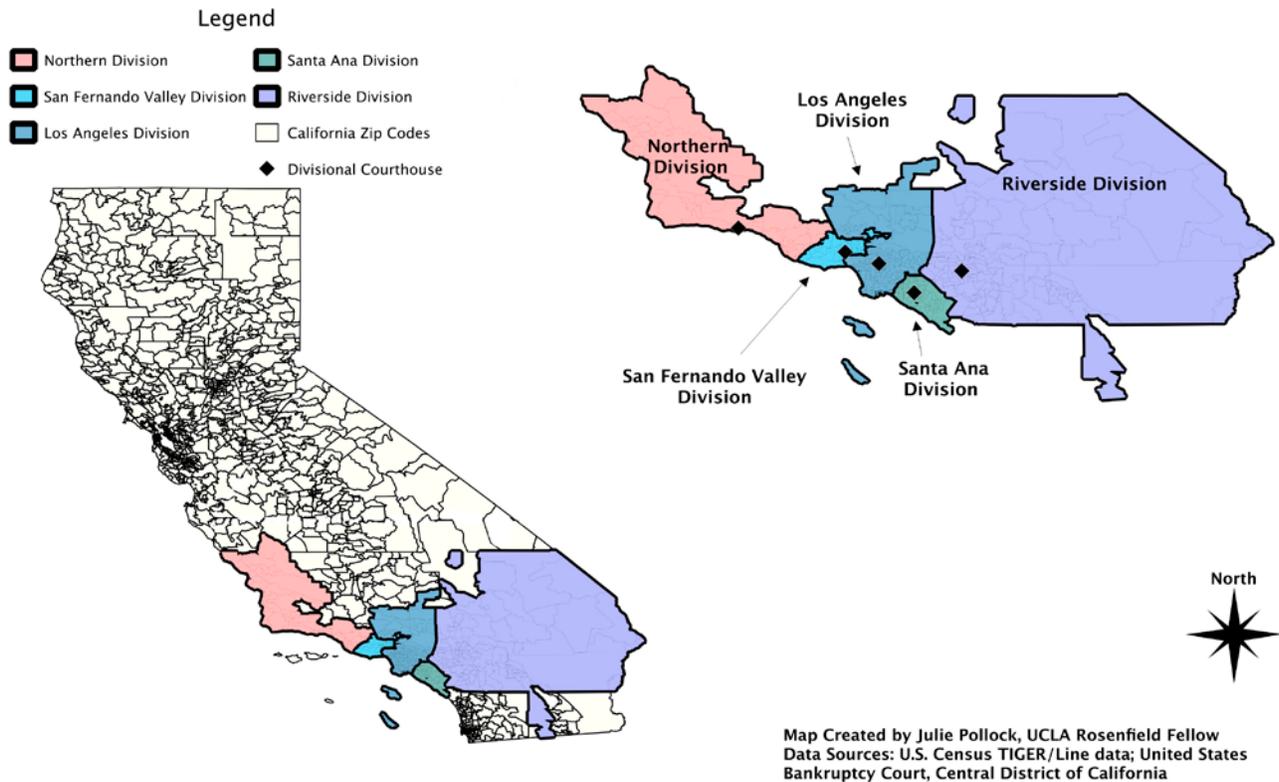
UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA

Sabrina : [8:20:19 PM] Welcome to CACB real-time support chat.  
Jane Doe : [8:20:19 PM] Where can I find official form B23?  
Sabrina : [8:21:54 PM] You may find Official Form B23 on our website under forms. You may also click on the link below.  
[8:22:05 PM] [http://www.cacb.uscourts.gov/sites/cacb/files/documents/forms/B23\\_1210.pdf](http://www.cacb.uscourts.gov/sites/cacb/files/documents/forms/B23_1210.pdf)  
Jane Doe : [8:22:26 PM] Perfect, thank you.  
Sabrina : [8:22:38 PM] Is there anything else I can assist you with today?  
Jane Doe : [8:23:55 PM] Yes, where is the 341 meeting I need to attend. I filed in the Los Angeles division.  
Sabrina : [8:24:11 PM] The Los Angeles division meeting of creditors is located at 915 Wilshire Blvd. in the city of Los Angeles. Please note that this is general information and does not include specific room location. To obtain specific location information including the room numbers, please refer to Form B9A Notice of Chapter 7/11/13 Bankruptcy Case, Meeting of Creditors & Deadlines.  
Jane Doe : [8:24:47 PM] Thank you. That is all. You've been very helpful.  
Sabrina : [8:25:15 PM] Glad to hear that.  
[8:25:19 PM] This chat session will end shortly. Thank you for using CACB real time chat. Have a great day.  
duration 05:07

End Chat

## V. Services Provided By *Pro Bono* Partners

United States Bankruptcy Court, Central District of California:  
Divisional Courthouse Locations



Self-Help Desks on location at the Los Angeles, San Fernando Valley, Northern, Santa Ana, and Riverside divisions help the Court and the public they serve within the Central District of California by:

- providing free legal advice and programs for self-represented filers;
- reducing the burden on judges and staff from filers who cannot afford the legal assistance necessary to navigate a complicated bankruptcy process;
- reducing delays for all parties that result from self-represented filers requiring additional time and assistance from judges and staff;
- improving access to the bankruptcy process for all parties, regardless of income;
- enabling referral by Court staff who are prohibited from providing legal advice to those at the Self-Help Desk who can provide it; and
- offering an alternative to non-attorneys who are known to provide illegal and overpriced services.

Total	Total People Served By Volunteers				
	Los Angeles	Riverside	Santa Ana	Northern	San Fernando Valley
8,538	4,742*	1,525	977	281	1,013

\*This number includes *pro bono* services from Bet Tzedek and Legal Aid Foundation of Los Angeles.

## A. LOS ANGELES DIVISION:

The Los Angeles Division is served by several *pro bono* organizations including Public Counsel's Debtor Assistance Project, Bet Tzedek Legal Services, and the Legal Aid Foundation of Los Angeles. A summary of the number of visitors served accompanies each organization.

### 1. Public Counsel

Thanks to the assistance of 190 volunteers, Public Counsel was able to serve 3,371 debtors in 2013. On July 11, 2013, 88 legal professionals from throughout the District attended "An Introduction to Adversary Proceedings." Attorneys who attended the program had previously agreed to volunteer with *pro bono* bankruptcy programs throughout the District. The panelists included:

- Hon. Sandra R. Klein (U.S. Bankruptcy Court)
- Roksana D. Moradi, Esq. (Simon Resnik Hayes LLP)
- Roye Zur, Esq. (Landau Gottfried & Berger LLP)
- Moderator: Magdalena R. Bordeaux, Esq. (Public Counsel)

On December 10, 2013, nearly 60 attorneys and support staff from throughout the District attended "Bankruptcy Basics: An Introduction to Chapter 7 Consumer Bankruptcy Law." As with the prior program, those who attended also volunteered with *pro bono* bankruptcy programs throughout the District. Several attendees said that this was the best MCLE program they had ever attended. The panelists included:

- Jim King, Esq. (King & Associates)
- Erik Clark, Esq. (Borowitz & Clark)
- Moderator: Christian Cooper, Esq. (Public Counsel)

As a co-sponsor of each event, the Court provided Court space for the programs to be held, which were offered by Public Counsel for free in exchange for two volunteer hours per attendee. A representative from the Court spoke at each event on topics such as attorney registration and the top 10 filing errors attorneys make when filing through CM/ECF. These well-attended programs were successful in increasing the number of volunteers for self-help desks district-wide.



### Over 3,371 Debtors Served in 2013

Incoming Hotline Calls and Debtor Inquiries	588
Debtors assisted at Los Angeles Bankruptcy Self-Help Desk and <i>Pro Se</i> Clinic:	1,269
Debtors who attended Chapter 7 Bankruptcy <i>Pro Se</i> Clinics:	256
Debtors counseled before reaffirmation hearings in Los Angeles:	855
Debtors counseled before reaffirmation hearings in Woodland Hills:	406
Debtor Assistance Program (DAP) placed cases (full representation by an attorney)	53
<b>TOTAL*</b>	<b>3,371</b>
Chapter 7, adversary proceeding and reaffirmation hearing volunteers:	76
L.A. Bankruptcy Self-Help Desk volunteers	81
Chapter 7 <i>Pro Se</i> Clinic volunteers	33
<b>TOTAL</b>	<b>190</b>

\*Due to overlapping services, the sum of individual services is greater than the total number of debtors served.

**an introduction to adversary proceedings**

**Public Counsel**

**panel:**

Hon. Sandra R. Klein  
U.S. Bankruptcy Court

Roksana D. Moradi, Esq.  
Simon Resnik Hayes LLP

Roye Zur, Esq.  
Landau Gottfried & Berger LLP

Moderator:  
Magdalena R. Bordeaux, Esq.  
Public Counsel

date: Thursday, July 11, 2013  
time: 10:00 a.m. – 12:30 p.m.  
location: Royal Federal Building  
253 E. Temple Street  
12th Floor, Assembly Room 1206  
Los Angeles, CA 90012

**YOU MUST COMPLETE A TWO-HOUR PRO BONO COMMITMENT BEFORE ATTENDING THE PROGRAM!**

To find out about your options for completing the pro bono requirement, and to register for the program, visit Christian Cooper at [ccooper@publiccounsel.org](mailto:ccooper@publiccounsel.org). Your registration will not be finalized until you sign up for your pro bono commitment. The program is approved for 2.5 hours of MCLE credit. Space is limited.

This program is intended for attorneys who have never handled an adversary proceeding.

Program co-sponsored by cedeban and the United States Bankruptcy Court, Central District of California

Refreshments generously provided by:

**bankruptcy basics**

**Public Counsel**

**an introduction to chapter 7 consumer bankruptcy law**

**panel:**

Jim King, Esq.  
King & Associates

Erik Clark, Esq.  
Borowitz & Clark

Moderator:  
Christian Cooper, Esq.  
Public Counsel

date: Tuesday, December 10, 2013  
time: 9:00 a.m. – 12:00 p.m.  
location: Royal Federal Building  
253 E. Temple Street  
12th Floor, Assembly Room 1206  
Los Angeles, CA 90012

**YOU MUST SIGN UP FOR A TWO-HOUR PRO BONO COMMITMENT TO REGISTER FOR THE PROGRAM!**

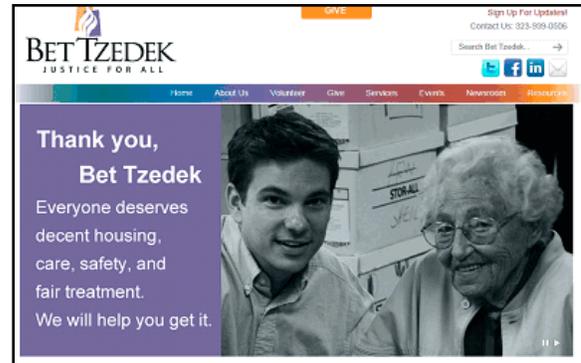
Email Christian Cooper at [ccooper@publiccounsel.org](mailto:ccooper@publiccounsel.org) if you are interested in attending. You will be registered after you have signed up for a two-hour pro bono commitment. Pro bono hours may be completed before or after the program. This program is approved for three hours of MCLE credit. Space is limited.

Program co-sponsored by cedeban and the United States Bankruptcy Court, Central District of California

Refreshments generously provided by  
Abacus Credit Counseling

## 2. Bet Tzedek

In 2013, 12 volunteers were assigned to Bet Tzedek's Debtors' Rights and Bankruptcy Program. Members of the program also worked closely with the advocates and the dozens of volunteers assigned to Bet Tzedek's Community Outreach Project. Volunteers assisting in the program conducted one-on-one client interviews, reviewed financial documents, prepared chapter 7 bankruptcy petitions, wrote letters to creditors and collectors, helped clients respond to bank levies and wage garnishments, and assisted victims of identity theft. Volunteers also helped clients understand and exercise their rights under the fair debt collection laws, review and correct credit reports, and respond to judgment enforcement actions. Volunteers evaluated each visitor's circumstances and, when appropriate, filed chapter 7 bankruptcy petitions at the Los Angeles and Woodland Hills court locations. On a more limited basis, clients also received assistance on debts resulting from identity theft, government offsets from public benefits and student loan discharge applications.



Nearly 1,000 Bet Tzedek Clients Assisted in 2013

Nearly 1,000 clients were provided general counseling on debtor's rights and bankruptcy by Bet Tzedek. Of those, about 66 percent of clients specifically requested assistance with bankruptcy. The majority of those decided not to proceed with a chapter 7 bankruptcy for a variety of reasons. Reasons clients decided to not file included the following: filing was not necessary given their age, income, and assets; they determined that filing bankruptcy would not grant the relief sought; they found out they were ineligible to file; or, they found a greater benefit could be obtained by waiting to file later. Debtors were assisted at one of seven Debtors' Rights Clinics held at Bet Tzedek's main office; about 35 to 40 people attended each one. Those who were not able to attend were referred to an outreach site for a one-on-one consultation. The outreach sites included senior centers throughout Los Angeles County, St. Francis Medical Center, St. Vincent Medical Center, and SOVA food pantries.

## 3. Legal Aid Foundation of Los Angeles

Legal Aid Foundation of Los Angeles Assisted 371 Debtors in 2013

Debt Relief Project Intake	
Incoming Calls	498
Debtors assisted	371
Debtors ineligible for service	39
Debtors referred elsewhere	11
Bankruptcy Petition Assistance	
Debtors assisted through Loyola Law School Practicum	9
Debtors assisted through <i>pro bono</i> placement	14

The Legal Aid Foundation of Los Angeles is a [Legal Services Corporation](#) funded organization. Unfortunately, LSC funding has steadily decreased over the years. Due to a continued reduction in funding, the Foundation was forced to furlough a full week in December and to close the debt relief project a week earlier than the actual furlough week to allocate resources towards preparing other ongoing cases for the office closure. Closing the debt relief project meant an interruption of service for all *pro bono* and in-house bankruptcy work. Though the number of people who attempted to reach the organization during the closure is unknown, many referring organizations and community partners were surprised at their inability to refer potential clients to the Foundation during the furloughed week. Despite these setbacks, the Legal Aid Foundation of Los Angeles was able to assist approximately 371 debtors in 2013.



## B. SAN FERNANDO VALLEY DIVISION:



*Martha Rodriguez volunteering at the San Fernando Valley Division Self-Help Desk*



*Attorney Patricia Said and volunteer Ike Sherman at the San Fernando Valley Division Self-Help Desk*

Neighborhood Legal Services Self-Help Desk	Total Visitors	Ch. 7 Seminars	Attendees	Question & Answers	Creditors
<b>2013 TOTAL</b>	<b>1,013</b>	<b>48</b>	<b>353</b>	<b>49</b>	<b>31</b>

The San Fernando Valley Division opened the Court's first onsite self-help desk in 2007. The self-help desk is operated by [Neighborhood Legal Services of Los Angeles](#), the [Central District Consumer Bankruptcy Attorneys Association](#), and the [San Fernando Valley Bar Association](#). *Pro bono* attorneys from the two bar associations continue to hold weekly seminars and provide free legal information on bankruptcy, including a variety of self-help resources, videos, seminars, and one-on-one workshops for self-represented litigants. Topics commonly covered include bankruptcy filing



*Ilyse Klavir presenting at the Woodland Hills Self-Help Seminar*

requirements, the difference between chapter 7 and chapter 13, and where to find a bankruptcy attorney. In 2013, approximately 1,013 visitors were assisted by the help desk and its programs. The number of visitors is fewer than in 2012 as result of reduced clinic hours due to funding cuts, which were cut from two days to only one day a week. Volume has increased on Thursdays since the clinic began its one day weekly operation and the clinic began holding its Question and Answer sessions on the same day, following the chapter 7 seminar. The clinic sees, on average, around 25 visitors per day. Due to its popularity, a new Spanish seminar began to be held every other month in 2013.

### C. NORTHERN DIVISION:



*Santa Barbara Self-Help Center*

## Northern Division Consumer Debt Clinic Assisted 280 Individuals in 2013

### Consumer Debt Clinic

Serving Santa Barbara, San Luis Obispo, and Ventura counties, a Consumer Debt Clinic was formed and began operation in 2009 in Lompoc before moving to the Northern Division in 2010. The clinic is operated by the [Legal Aid Foundation of Santa Barbara County \(LAFSBC\)](#) on Friday mornings, with a Spanish clinic held the first Friday of every month. In 2013, the clinic was served by seven volunteers assisting over 280 visitors, including between 5-14 people each day, with approximately 85 percent having chapter 7 questions.

The Northern Division's weekly Consumer Debt Clinic has since been relocated from a second floor attorney conference room to the Clerk's Office first floor lobby, opening to a full house of volunteer attorneys and self-represented debtors seeking assistance on Friday, April 19, 2013. The move improved communications between Consumer Debt clinic volunteers and Clerk's Office staff, increased clinic visibility, and eased congestion near 2nd floor courtrooms. Along with the relocation, a new Resource Center was created in the Clerk's Office lobby. The Resource Center is staffed by a Court clerk during clinic hours and provides forms and filing information. The Center also maintains a set of bankruptcy resource materials that clinic attendees may check out with a driver's license.

### Reaffirmation Agreement Clinic

Since the fall of 2000, reaffirmation assistance has been provided at the Northern Division in Santa Barbara to counsel debtors on their rights prior to reaffirming debt owed for property, such as an automobile. Instead of an organized clinic, the Santa Barbara County Bar Association arranges for volunteer attorneys to coordinate with chambers and meet with self-represented debtors before each reaffirmation agreement hearing.

### **D. SANTA ANA DIVISION:**



*Volunteer attorneys Gary Angotti and Matt Rosene assist self-represented parties at the Santa Ana Self-Help Clinic*



*Law student Jessica Garland and attorney Halli Heston volunteering at the Santa Ana Self-Help Clinic*

Approximately 1,003 Debtors Served in 2013 by Public Law Center	
Chapter 7 debtors (with some chapter 13 and creditors):	<b>750</b>
Reaffirmation debtors:	<b>227</b>
Cases placed with private attorneys for full representation:	<b>26</b>

### **Legal Clinic**

In 2013, the Santa Ana Division enjoyed the expansion of its onsite legal clinic operated by [Public Law Center](#) opening two days a week and serving nearly twice the number of visitors than the previous year. Public Law Center also provides *pro bono* representation in chapter 7 cases with attorneys from the local bar, when available. In 2013, 61 chapter 7 volunteers, 31 reaffirmation volunteers, and 19 direct representation volunteer attorneys assisted a total of 1,003 self-represented parties. The legal clinic is co-sponsored by the [Orange County Bar Association](#), Orange County Bar Association – Commercial Law and Bankruptcy Section, and the [Orange County Bankruptcy Forum](#). [Orange County Legal Aid](#) also holds a weekly chapter 7 clinic and assists debtors in filing on their own if it is a no asset case.

## Reaffirmation Agreement Clinic

The Santa Ana Division has a Reaffirmation Agreement Clinic similar to the one in Los Angeles. The clinic is operated by the Public Law Center with volunteers from the local bar. Approximately 227 individuals received assistance from the Reaffirmation Agreement Clinic.

### E. RIVERSIDE DIVISION:



Michelle Lara volunteers at the Federal Pro Se Clinic in Riverside

Joint Federal <i>Pro Se</i> Clinic in Riverside 2013	
Number of persons served:	1,826
Average number of persons served per day:	20
Number of bankruptcy cases assisted:	1,516

Since December 1, 2011, the [Joint Federal \*Pro Se\* Clinic](#) has been in operation at the Riverside Division. The clinic was opened through a joint effort by the Bankruptcy and District Courts and is operated by the Public Service Law Corporation (PSLC), a non-profit law firm operated by the [Riverside County Bar Association](#). In 2013, the clinic provided assistance to 1,826 self-represented parties on the topics of bankruptcy or federal civil actions, with approximately 83 percent of visitors requiring bankruptcy assistance. Self-represented parties seeking aid with bankruptcy filings may attend a chapter 7 seminar which discusses how to fill out a chapter 7 petition. The clinic was supported by a total of 857 hours of volunteer work from 31 volunteers, including approximately 360 hours of *pro bono* limited scope direct representation.

## VI. FUNDING SOURCES FOR NON-COURT SERVICES

### A. Orange County Bar's Holiday Party

In December 2013, the Orange County Bar's holiday party successfully raised nearly \$30,000. Judges, chambers, Clerk's Office staff and local attorneys all joined in the fun at Andrei's in Irvine.



*Law Clerks Kristin Smith, David Wood, Melissa Prochilo, Operations Manager Benjamin Varela, and Law Clerk Amna Chaudhary*



*Law Clerk Amna Chaudhary; Bankruptcy Judge Catherine E. Bauer; Caroline Djang, Esq. and Clerk's Office staff member Heidi Corona*



*Bankruptcy Judges Erithe A. Smith, Scott C. Clarkson, and Theodore C. Albert*



*Attorneys Sarah Boone and Beth Gaschen*



*Attorneys Anerio Altman and Beth Gaschen*

### B. Los Angeles Bankruptcy Forum's Holiday Party

On December 9, 2013, an Annual Holiday Program hosted by the Los Angeles Bankruptcy Forum, as well as other bankruptcy bar associations and bankruptcy affiliated companies took place in Beverly Hills. Bankruptcy judges and professionals attended the holiday party, with proceeds from the event benefitting *pro bono* organizations in the Los Angeles community.

### C. Earle Hagen Golf Tournament

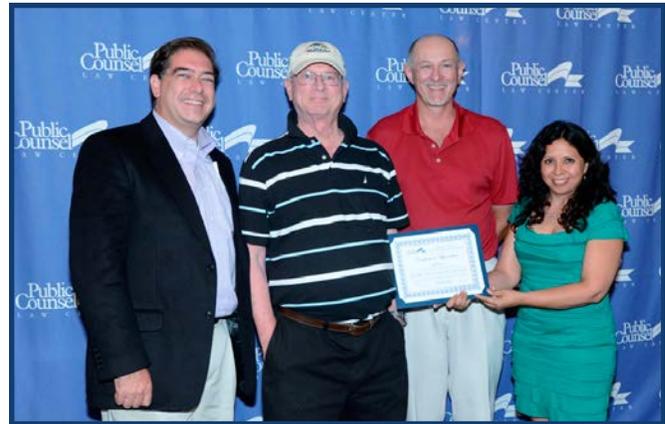
The Earle Hagen Memorial Golf, Tennis, and newly added Poker Tournament took place on September 30, 2013. The event was sponsored by: Central District Consumer Bar Attorney's Association (CDCBAA), Los Angeles Bankruptcy Forum, Lone Wolf Writing Company, Abacus Credit Counseling, Ray Aver, Malcolm Cisneros, Jeffrey Shinbrot, SulmeyerKupetz, KW Commercial, Lady Di Cookies, DECAF Credit Counseling, David Meadows, John Greifendorff, Short Modify, Inc., Peter Lively, Ezra Brutzkus & Gubner, MarguliesFaith, Borowitz & Clark, Cliff Bordeaux; with hosted bar courtesy of David & Jeff Hagen. All proceeds from the tournament support *pro bono* programs.



*Public Counsel Staff Attorney Magdalena Reyes Bordeaux and Staff Attorney Christian Cooper; James King, Esq.; Chief Judge Peter H. Carroll*



*Jonathan Brown, Esq.; Roksana D. Moradi, Esq.; Troy Freeman, Esq.; Hernán Vera, CEO/President of Public Counsel*



*Public Counsel President and CEO Hernán Vera; Jonathan Hayes, Esq.; Hon. Vincent P. Zurzolo; Public Counsel Staff Attorney Magdalena Reyes Bordeaux*

The annual event is held in memory of Earle Hagen, a well-respected and beloved bankruptcy attorney in the Central District for over 40 years. Each year bankruptcy judges and staff participate, along with attorneys, trustees, and other members of the legal community. All net proceeds from the tournament support Public Counsel's Debtor Assistance Project.

### D. Public Counsel's Run For Justice

Public Counsel's Run for Justice took place on Saturday, March 16, 2013. Public Counsel started the Run for Justice event in 2004 as a fundraiser to continue providing *pro bono* legal services in the Los Angeles community. Numerous members of the Court and bar walked or ran to support Public Counsel.



*Back Row: Law Clerk Keith Banner, Special Projects Manager Robin Beacham, Courtroom Deputy Emma Gonzalez, and Operations Support Clerk Jan Zari. Front Row: Legal Analyst Jennifer Wright, and Hon. Maureen A. Tighe*

## E. Leslie Cohen Law 5K Run/Walk

On Saturday, April 27, 2013 the 2nd Annual Leslie Cohen Law 5K Run/Walk took place in Santa Monica, California to benefit Public Counsel's Debtor Assistance Project (DAP). It was a beautiful day and 300 runners and walkers came out to support the DAP— many of whom included members of the bankruptcy community such as the Honorable Maureen A. Tighe, the Honorable Sandra R. Klein and Chapter 13 Trustee Kathy Dockery, who had the largest team known as "Dockery's Dashers." The Dockery Dashers also won one of the team awards.



*Public Counsel President and CEO Hernán Vera; Roksana Moradi, Esq.*



*Leslie Cohen, Esq.; Hon. Maureen A. Tighe; Law Clerk Rina Welles; Hon. Sandra R. Klein; Margaux Ross, Esq.*

## F. American College of Bankruptcy Grants

Public Counsel was the recipient of the American College of Bankruptcy award which further enables the Public Counsel's DAP to provide greatly needed legal resources to self-represented debtors contacting Public Counsel for assistance or who seek legal assistance at the Los Angeles Bankruptcy Self-Help Desk and *Pro Se* Clinic.

In November, 2013, the Northern Division's clinic sponsor, the Legal Aid Foundation of Santa Barbara County (LAFSBC), also received a \$10,000 grant from the [American College of Bankruptcy](#) and [American College of Bankruptcy Foundation](#). The LAFSBC used a portion of grant funds to purchase bankruptcy reference materials for the clinic's Resource Center, and office supplies for the clinic's new counseling space.

## VII. CONCLUSION

The Court continues to encounter many of the same challenges related to serving a substantial share of self-represented litigants as first recounted in its 2011 *Pro Se* Report. The federal courts have all encountered a tight budget climate. Locally, a substantial drop from the Court's record number of filings has further reduced our Court's budget. This decline in bankruptcy filings has been accompanied by only a comparatively slight decrease in the rate of *pro se* filings. The consistency of the Court's self-represented filing rate underscores the continuing need to address this population more effectively. The programs and initiatives carried out in 2013 have been effective in increasing access to the Court despite severe budget cuts. One of our next challenges will be to use our slightly better knowledge of underserved communities to get the word out about the resources that are available before needy individuals spend too much or are defrauded before they learn of legitimate services.

## VIII. HONOR ROLL

### 2013 HONOR ROLL OF PRO BONO VOLUNTEERS



National Pro Bono Celebration

October 20-26, 2013

Public Counsel's Debtors Assistance Project  
Chapter 7, Adversary Proceeding & Reaffirmation Hearing Volunteers

Carolyn Afari	Aaron de Leest	Jim King	Todd Roberts
Andrew Aholtz	Suzette Douglas	Ilyse Klavir	R. Grace Rodriguez
Martin Barash	Shawn Eldridge	Jonathan Leventhal	Selena Rojhani
Faye Barta	Douglas Flahaut	Peter Lively	Lauren Ross
James Beirne	Faith S. Ford	Osheen Lucasian	Allan Sarver
Sanaz Bereliani	Norma Garcia	René Lopez de Arenosa Jr.	Zev Schectman
Nan Blitman	Eliza Ghanooni	Eva Malholtra	Paul Anton Schiffin
Cliff Bordeaux	Michael I. Gottfried	Richard E. McGuire	Salvatore Sciortino
Mark E. Brenner	Daniel Greenbaum	Susan I. Montgomery	Evelina Shpolyansky
Laura Buchanon	David S. Hagen	Roksana D. Moradi	Jennifer Skornik
Christopher D. Cantore	Stella Havkin	Jason Murai	Marla Tauscher
Ellen Cheney	Marisa H. Hawkins	Philomena Nzegge	Meghan Triplett
Laura Claveran	M. Jonathan Hayes	Lisa Oh	Thomas Ure
Joseph Collier	Carmel Herr	Carolyn Olson	Jason Wallach
Natalie Daghbandan	Keith Higginbotham	Shai Oved	Steven Wolvek
Lesley Davis	Gail Higgins	Leonard Pena	Regina Zeltser
Michael DeLaney	Jeff Katz	Monica Reider	Aleksandra Zimonjic
			Roye Zur

Law Graduate Volunteer(s):

Matthew Baker, J.D

#### Los Angeles Bankruptcy Self Help Desk & Clinic Volunteers

Danny Agai	Christopher D. Cantore	Travis Kasper	Natalie Ryan
Michael Avanesian	Laura Claveran	Jeffrey Katz	Paul Schiffin
Armen Avedissian	Dolisa Colley	Paul Kelly	Sal Sciortino
Marlon Baldomero	Sheldon Eskin	Jennifer Li	Peter Selawsky
Edwin Barnum	Charles Evans	Lindsay McMenamin	Eveylina Shpoylansky
Steven Baron	Michelle Fernandez	John Melissinos	Whitney Snyder
Elissa Barratt	Clemente Franco	Shawn Mitchell	Marla Tauscher
Jim Beirne	Roshni Gandhi	Arpi Mnatsakanyan	Holly Trief
Judith Benson	Richard Garber	Sandra Nutt	Joshua Valero
Nan Blitman	Norma Garcia	Lisa Oh Kathryn Parry	Carolyn Walter-Burch
Raffy Boulgourjian	Mary Elizabeth Grant	Patrick Parsa	Katherine Windler
Sean Breaux	Stephen Greenstein-Katz	Eumir Perez	Marcelle Wong
Thomas Bruder	Curt Harrington	Laurae Rossi	

#### San Fernando Valley Division Self-Help Desk Volunteers

Anil Bhartia	M. Jonathan Hayes	Ilyse Klavir	Roksana D. Moradi
Nan Blitman	Gail Higgins	Jonathan Leventhal	Todd Roberts
Mark Brenner	Yi Sun Kim	René Lopez de Arenosa Jr.	Pat Said
Lindsey Green	James King	Gustavo Mendoza	James Tenner

### **Bet Tzedek Legal Services Debtors' Rights and Bankruptcy Program Volunteers**

Attorney Volunteers:	Harrison Flanagan Mark Gordon	Arthur Wilner Jonathan Zweig
Additional Volunteers:	Tim Christian Karen Getelman Merle Gould John Joy Elizabeth Kim Gagan Khan	Natalie Minev Limor Mojdehiazad Faramarz Nabavi Christian Ochoa Kathryn Podsiadlo Kenneth Star

### **Legal Aid Foundation of Santa Barbara County Consumer Debt Clinic Volunteers**

Misha Barto Carissa Horowitz Casey Nelson	Reed Olmstead Monica Robles Ann Rycroft	Natalie Spilborghs Randall Sutter
Paralegal Volunteer(s):	Jean Lynn Leo Santana	

### **Santa Barbara County Bar Association Reaffirmation Hearing Volunteers**

William Beall Eric Burkhardt David Common	Karen Grant Jonathan Gura Carissa Horowitz	Robert Hurlbett Janet Lawson Casey Nelson	Reed Olmstead Susan Salehi Natalie Spilborghs Peter Susi
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### **Public Service Law Corporation (Riverside) Volunteers**

Ryan S. Carrigan Smith & Carrigan	Amelie A. Kamau Dwight M. Kealy	Scott Talkov Reid & Hellyer	Andrea Darrow Smith Smith & Carrigan
Mark Schnitzer Reid & Hellyer	Eric Tweten	Ruben Escalante Sheppard Mullin Richter & Hampton, LLC	Manfred Schroer
Student Volunteer:	Sherwin Nam, UC Santa Barbara		

### **Orange County Bar and Public Law Center Volunteers**

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