

**FILED**

AUG 03 2011

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY UCS  
DEPUTY

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

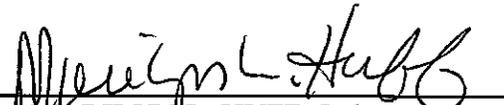
In the matter of )  
ADOPTING PRO BONO PLAN )  
 )  
 )  
\_\_\_\_\_ )

GENERAL ORDER NO. 596

The Court hereby adopts the attached Plan for the Representation of *Pro se* Litigants in Civil Cases.

Dated: 8/3/11

  
\_\_\_\_\_  
IRMA E. GONZALEZ, Chief Judge  
United States District Court

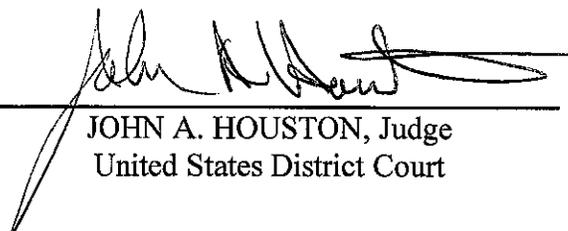
  
\_\_\_\_\_  
MARILYN L. HUFF, Judge  
United States District Court

  
\_\_\_\_\_  
BARRY TED MOSKOWITZ, Judge  
United States District Court

  
\_\_\_\_\_  
LARRY A. BURNS, Judge  
United States District Court

  
\_\_\_\_\_  
DANA M. SABRAW, Judge  
United States District Court

  
\_\_\_\_\_  
WILLIAM Q. HAYES, Judge  
United States District Court



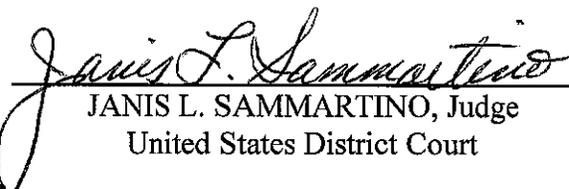
---

JOHN A. HOUSTON, Judge  
United States District Court



---

ROGER T. BENITEZ, Judge  
United States District Court



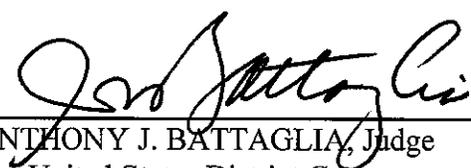
---

JANIS L. SAMMARTINO, Judge  
United States District Court



---

MICHAEL M. ANELLO, Judge  
United States District Court



---

ANTHONY J. BATTAGLIA, Judge  
United States District Court

**Plan of the United States District Court  
for the Southern District of California  
for the Representation of *Pro se* Litigants in  
Civil Cases**

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:

1. 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;
2. for attorneys, the length time he or she has been a member of the bar of this Court;
3. the law firm or attorney's litigation and trial experience (civil or criminal);
4. 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 the panel on a rolling, as-needed 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.

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:

1. the inability of the *pro se* party to retain counsel by other means,
2. the potential merit of the claims as set forth in the pleadings,
3. the nature and complexity of the action, both factually and legally, including the need for factual investigation and evidentiary presentation at motions or trial,
4. whether the *pro se* party has another case pending before this Court and, if so, whether counsel has been appointed in such case;
5. 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
6. 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.

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.

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.

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 expenses. A sample form to claim such expenses can be found on the Court's website.

*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.*