

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

STANDING ORDER REGARDING PRO BONO REPRESENTATION

It is hereby ordered that Local Civil Rule 83.10, subparts (a) and (b), are temporarily suspended as of March 15, 2008, and replaced until further notice by the following subparts (a) and (b) :

(a) Assignment Wheel

The Clerk will establish a wheel to be used in assigning members of the Bar to provide pro bono representation to indigent persons in civil cases. Any duty imposed on or authority granted to the Clerk by this standing order may be delegated to Staff Counsel.

Any member of the Bar who has appeared as counsel of record in more than one civil action in this Court since January 1, 2006 is eligible for inclusion in the wheel.

The Clerk will send to each eligible attorney a registration form to enable the attorney to provide information for use by the Court in assigning pro bono counsel, including: (1) the seat(s) of court where the attorney is available to accept pro bono assignments; (2) any preference the attorney might have regarding certain types of cases (e.g., employment discrimination, prisoner civil rights, social security disability appeals); (3) the attorney's proficiency in languages other than English; and (4) conflicts of interest preventing representation adverse to governmental entities. The form will also give the attorney an opportunity to indicate that he or she wishes to opt out of the Court's pro bono program. Each attorney receiving a form must complete, sign and return the form to the Clerk within 21 days. Any attorney who fails to return the form will remain eligible for assignment of all case types in all seats of court.

The Clerk will review the completed forms for the purpose of creating an initial wheel comprised of all eligible attorneys who have not opted out. For each eligible attorney, the Clerk will maintain information showing the attorney's name, the seat(s) of court where the attorney is available to accept pro bono assignments, the attorney's preferences (if any) with regard to case type, the attorney's proficiency in languages other than English, and conflicts preventing representation adverse to governmental entities. These names will then be randomly ordered to create the initial wheel. A new randomly ordered wheel will be generated at least once a year; the new wheel shall not include attorneys who previously have been appointed counsel under paragraph (b), below.

After the initial wheel is established, any member of the Bar who files a second appearance in a civil action in this Court will be eligible to be added to the wheel. The Clerk will send to each such attorney a registration form to be completed, signed and returned within 21 days.

(b) Appointment Procedure

When the presiding judge in a civil case determines that pro bono counsel should be appointed to

represent a person who cannot afford an attorney and who is proceeding in the case pro se, an order will issue directing the Clerk to appoint pro bono counsel from the assignment wheel.

On receiving such an order, the Clerk will select the next attorney in the assignment wheel who is suitable for appointment in the case in light of the information provided by the attorney in his or her registration form. The Clerk will immediately send notice of the appointment to the attorney, along with the pro se party's contact information, the pleadings, the case management order, any pending motions and any rulings on dispositive motions.

The attorney will have 10 business days from the date of the Clerk's notice to decline the appointment. The Clerk may grant one or more written requests for extensions of time to decide whether to decline an appointment, totaling not more than 20 days beyond the initial 10-day period set forth above.

An attorney may decline an appointment for any reason, but a reason must be provided in a written notice of declination provided to the Clerk. An attorney who declines an appointment remains in the assignment wheel.

If no timely notice of declination of appointment is provided to the Clerk, then an order appointing the attorney shall be issued by the Clerk, filed on the docket, and sent to the pro se party. An attorney appointed as counsel shall promptly file and serve an appearance in the action. The failure to file an appearance or to fulfill the duties of appointed counsel shall constitute grounds to enter an order sanctioning the appointed attorney.

Pro bono counsel will not be appointed unless the presiding judge first determines that the pro se party's claims or defenses satisfy the test of likely merit and that the pro se party has made good faith but unsuccessful efforts to obtain counsel. Newly filed cases in which the plaintiff is proceeding pro se will be evaluated by the presiding judge for appointment of pro bono counsel at an early stage. A status conference may be convened before the entry of a Rule 26(f) scheduling order to assist the presiding judge in making that evaluation.