

No-Fuss Pro Bono: Limited Representation at Federal Court

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The Federal Court Pro Bono Program — good for the client, good for opposing counsel and opposing party, good for the courts and good for the firm providing the pro bono services. What's stopping you from participating?

Recently I was asked by the federal court pro bono liaison Trudy Hanson Fouser if I would be willing to serve as pro bono counsel for a pro se plaintiff in a consumer protection type case. Since I had never served as pro bono counsel in a federal court case, I was a little apprehensive. As it turned out, there was no need for my apprehension, as the court was willing to allow me to appear in as much or as little of the case as I wanted.

At the time I appeared in the case, limited discovery had already taken place and a settlement conference had been scheduled. After reviewing the pleadings and discovery, I believed that I would be able to assist at least through the settlement conference, but probably not the entire case. Therefore, my representation was limited to the settlement conference only.

The Court, true to its promise, allowed me to appear in only my preferred limited capacity. The settlement conference judge and my new clients were aware of my limited representation prior to the time that I met with either of them; so, there was no need for me to do

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any awkward explanation of my position.

I was able to interact with the settlement Judge and other court staff in a very positive and meaningful way. If asked whether I would take another pro bono assignment, I would say, definitely yes.

When my client was asked about his experience with the pro bono process he stated that the pro bono program saved him not only a lot of heartache and confusion, but a lot of time and money as well. My client had been able to find help on the internet in drafting a complaint and discovery pleadings; but, quickly found that the rest of the litigation was over his head.

He said, "The pro bono program came at just the right time." He was at the point of not knowing what to do next, but still wanted to go forward with his case. He was intimidated by the procedures. When asked if he would participate in the process again responded, "definitely"

I was able to speak with opposing counsel prior to the settlement conference, where we had an opportunity to explore some creative settlement ideas and were then prepared to offer our ideas to the settlement judge. The settlement conference was very

productive, and we were able to settle the case where I believe both sides were happy with the outcome.

Without counsel, the plaintiffs would not have settled because they had unrealistic expectations of the value of their case and the powers of the court. Had the case continued through trial with the pro bono plaintiff, I can only image that the court, opposing counsel and both parties would have been frustrated and the process would have been greatly elongated.

The federal court pro bono program is for the good of the public; good for the courts, good for the parties and good for counsel. If you get approached to volunteer, I sincerely encourage you — don't hesitate.

About the Author

April Linscott practices in the areas of Civil Litigation, Landlord Tenant, Real Estate Law, Employment Law, and handles Foreclosure, Bankruptcy and Probate matters. Ms. Linscott is an approved mediator with the Idaho State Courts and has practiced before the Ninth Circuit Court of Appeals and the U.S. Supreme Court. She works for Owens & Crandall, PLLC in Hayden and is involved with the Panhandle Backcountry Horsemen of Idaho.



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