

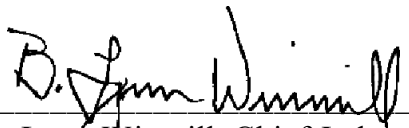
**UNITED STATES DISTRICT AND BANKRUPTCY COURT  
DISTRICT OF IDAHO**

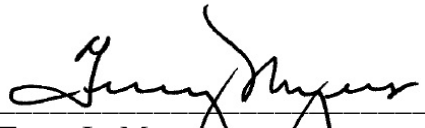
**In RE:** )  
 )  
**THE AMENDED PRO BONO** ) **General Order # 261**  
**PROGRAM** )  
\_\_\_\_\_ )

At its April 18, 2011 meeting, the Board of Judges for the District of Idaho approved the Amended Pro Bono Program Plan. The plan sets a limit of \$1,500 per case to reimburse pro bono counsel for reasonable and necessary costs. The cost fund covers out-of-pocket expenses such as process services, filing fees, expert consultations, witness fees, interpreter services, photographs, deposition costs, and other similar items. The cost fund does not cover copying services, internal photocopying or printing, or attorney fees.

Effective 1/18/12, the Board of Judges for the District of Idaho adopts the Amended Pro Bono Program Plan, as reflected by the attachment to this Order.

DATED this 18 day of January, 2012.

  
\_\_\_\_\_  
B. Lynn Winmill, Chief Judge  
Chief Judge, U.S. District Court

  
\_\_\_\_\_  
Terry L. Myers  
Chief Bankruptcy Judge

  
\_\_\_\_\_  
Candy Wagahoff Dale  
Chief U.S. Magistrate Judge

# Pro Bono Program, District of Idaho

---

## Purpose

The Pro Bono Program of the United States District Court for the District of Idaho was established for the purpose of assembling a panel of volunteer lawyers ready and willing to assist litigants of limited means when the Court determines that such an appointment is appropriate.

Contact Information:

Chief U.S. Magistrate Judge Candy W. Dale  
Supervisory Judge, Prisoner Litigation Unit/Pro Bono Program

---

## Overview

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 their 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 Program is not intended to cover circumstances in which attorneys are functioning as pro bono counsel as a result of an agreement between counsel and a litigant rather than a court appointment, although such counsel is not prohibited from seeking a court appointment.

---

## Recruitment and Appointment of Pro Bono Counsel

Any member of the bar who is interested in serving on the Pro Bono Panel as an attorney should complete the Pro Bono Program application, and return it to the court's Pro Bono Coordinator via email or mail. The Pro Bono Program Coordinator is in charge of all general recruitment of pro bono attorneys, keeping a current list of all members of the panel, and answering general questions about the Pro Bono Program. The Pro Bono Program Coordinator is aided by the Federal Bar Association (FBA) Pro Bono Liaison, who is in charge of extending invitations to accept representations and communicating with pro bono counsel for specific cases.

When the presiding judge on a case 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 will ask the FBA Pro Bono Liaison to make contact with potential pro

bono counsel. Any discussions about the case and the appointment of pro bono counsel should be between the FBA Pro Bono Liaison and pro bono counsel, to avoid the appearance of *ex parte* communications between court staff and pro bono counsel.

Upon appointment, pro bono counsel may file an application for waiver of the requirement of pro hac vice fees, pursuant to Local Rule 83.4.

---

## **Pro Bono Program Funding**

In order to assist in the administration of justice, the Court authorizes funding for litigation costs incurred by 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). The amount appropriated will not exceed twenty percent (20%) of the annual receipts, unless authorized by the Board of Judges and the Court's Lawyer Representatives. Continued funding each year is subject to their annual review and approval.

Pro Bono Program funds 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.

---

## **Costs / Fee Agreements, and Malpractice Insurance**

The Court has set a limit of \$1,500 per case to reimburse pro bono counsel for reasonable and necessary costs. The cost fund covers out-of-pocket expenses such as process services, filing fees, expert consultations, witness fees, interpreter services, photographs, deposition costs, and other similar items. The cost fund does not cover copying services, internal photocopying or printing, or attorney fees.

Upon appointment, counsel shall review the case as soon as possible to determine a budget for the case. Counsel shall complete and submit a budget form (available on the court website), 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 \$1,500.00 in costs is anticipated and warranted, then pro bono counsel may request additional funds on the budget sheet, with a detailed explanation of why the additional costs are warranted. Pro bono counsel who do not submit a budget, but who incur costs and seek reimbursement later, run the risk that there may not be sufficient funds in the Program to reimburse them.

After a budget is approved, pro bono counsel may request reimbursement according to the budget after expenses are actually incurred, at the conclusion of the case or on an interim basis, as circumstances warrant. Receipts and bills should be attached to the reimbursement form (available on the court website) and filed under seal. The presiding Judge will then issue an Order, and if granted, will be submitted to the Finance Department at the Court.

The Program contemplates that pro bono counsel will do their best to keep costs limited to \$1,500.00 or less per case to ensure that the Program has enough cost funds to reimburse all pro bono counsel for their costs. This limitation may require counsel to develop a strategy to incur fewer costs than if counsel were representing a paying client. For example, counsel may decide to forgo depositions; take depositions, but not order the transcripts; or agree with opposing counsel to use less-costly methods of discovery (see Fed. R. Civ. P. 29).

Most federal civil rights statutes provide that successful litigants can recover their reasonable attorney fees and costs. If counsel recovers costs, it is expected that the fund will be reimbursed for the costs of the case, so that additional cases can be funded. If attorney fees are awarded, counsel may wish to consider donating a portion of it back to the Pro Se 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.

Volunteer lawyers will be eligible to attend CLE/training courses on litigating civil rights cases in the federal courts at no cost.

---

## **Conclusion**

The Court recognizes that volunteer lawyers provide an extremely valuable service, and appreciates their contribution, which enhances our legal system. For the young lawyer beginning a career, pro bono cases provide an opportunity to develop the skills necessary to become a successful attorney—from case strategy through discovery to trial. Moreover, most volunteer lawyers find pro bono representation a rewarding and enlightening experience. The Court is grateful to the volunteer lawyers who provide their time and resources to aid the less fortunate.