

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**


In Re:

PRO BONO PROGRAM


GENERAL ORDER NO. 351

IT IS HEREBY ORDERED that General Order No. 261 is superseded by this General Order, and that the District of Idaho's Pro Bono Program is amended as reflected in the following attached documents: (1) Pro Bono Program, District of Idaho; (2) Budget Form for Out-Of-Pocket Funds pursuant to the Pro Bono Program; and (3) Reimbursement Form for Out-Of-Pocket Funds pursuant to the Pro Bono Program.

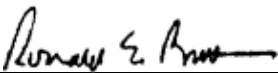
DATED this 26th day of September 2019.



David C. Nye
Chief District Judge



Joseph M. Meier
Chief Bankruptcy Judge



Ronald E. Bush
Chief 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 assisting litigants of limited means find pro bono counsel when the Court determines that such an appointment is appropriate.

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.

APPOINTMENT OF PRO BONO COUNSEL

The Court's 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. Any member of the bar who is interested in serving as a pro bono attorney should notify the FBA Pro Bono Liaison.

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 REIMBURSEMENT

The Court has set a limit of \$1,500.00 per case to reimburse pro bono counsel for reasonable and necessary costs. The fund covers out-of-pocket expenses such as process services, filing fees, expert consultations, witness fees, interpreter services, photographs, depositions and transcript 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 should complete the pro bono budget form (available on the court website) and file it using the sealed pro bono budget event in CM/ECF, before incurring anything more than nominal costs. If the case appears to have extraordinary need, and more than \$1,500.00 in costs is anticipated and warranted, pro bono counsel must 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 after expenses are actually incurred, at the conclusion of the case, or on an interim basis as circumstances warrant by filling out the pro bono reimbursement request form (available on the court website). Receipts and bills shall be attached to the reimbursement form and filed using the sealed Pro Bono event in CM/ECF. The presiding Judge will then issue an Order, and if granted, the Finance Department in the Clerk's Office will process the reimbursement.

Court appointed pro bono counsel will be provided a fee exempt PACER account to be used when working on a court ordered pro bono case. Once an order has been issued appointing pro bono counsel, counsel can contact PACER and request an exempt account be set up. This account is free of charge and may be used for reviewing documents related to court appointed pro bono cases only. Accessing cases that are not related to pro bono appointed cases is strictly prohibited when using an exempt PACER account. Counsel must enter his/her attorney login and password when researching anything other than a court appointed pro bono case.

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.

CONCLUSION

The Court recognizes that volunteer lawyers provide and 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.

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

**Budget Form for Out-Of-Pocket Funds
pursuant to the Pro Bono Program**

**Case Name:
Case Numbers:**

Attorney, Law School, Student Intern, or Mediator's Mailing Address:

Name: _____ Address: _____

Phone: _____ Email: _____

Person Represented: _____

Complete and submit budget for pre-approval when estimated expenses exceed \$1,500.

Original Budget

Process Services:	2.00
Deposition or Transcript Costs:	2.00
Filing Fees:.....	2.00
Telephone Charges:	2.00
Court Fees:	2.00
Witness Fees:	2.00
Interpreter Fees:	2.00
Expert Consultations:.....	2.00
Photographs:	2.00
Taxi:.....	2.00
Food:.....	2.00
Mileage (round trip):	2.00
Airfare:.....	2.00
Hotel:.....	2.00
Other:	2.00
Total Budget:.....	\$ 30.00

APPROVAL FOR BUDGET:

District/Magistrate Judge

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

**Reimbursement Form for Out-Of-Pocket
Expenses pursuant to the Pro Bono Program**

**Case Name:
Case Numbers:**

Attorney, Law School, Student Intern, or Mediator's Mailing Address:

Name: _____ Address: _____

Phone: _____ Email: _____

Person Represented: _____

Complete and submit budget for pre-approval when estimated expenses exceed \$1,500.

Actual Expenses

Process Services:	2.00
Deposition or Transcript Costs:	2.00
Filing Fees:.....	2.00
Telephone Charges:	2.00
Court Fees:	2.00
Witness Fees:	2.00
Interpreter Fees:	2.00
Expert Consultations:.....	2.00
Photographs:	2.00
Taxi:.....	2.00
Food:.....	2.00
Mileage (round trip):	2.00
Airfare:.....	2.00
Hotel:.....	2.00
Other:	2.00
Total Expenses:.....	\$ 30.00

APPROVAL FOR EXPENSES:

District/Magistrate Judge