

# BONO ONE FOCUS



## FEDERAL PRO BONO OPPORTUNITIES

The U.S. District Court's new Pro Bono Pilot Program is another way the court and community are partnering to increase access to justice in Nevada's federal courts.

For a few years now, there have been limited opportunities for Nevada lawyers to provide pro bono assistance in Federal civil cases. The Ask-A-Lawyer program schedules regular sessions in the Jury Assembly Room of the Lloyd George U.S. Courthouse and at the Bruce R. Thompson Courthouse in Reno. Unrepresented parties with open cases in federal court can meet with attorneys for free consultations. There is also a panel of pro bono attorneys who handle bankruptcy cases. Income-eligible clients are assigned on a rotating basis, after they are referred to the panel by a bankruptcy judge.

Last fall, the District of Nevada judges authorized the Pro Bono Pilot Program, so that volunteer attorneys may be appointed to represent indigent litigants in civil cases. Established by Chief Judge Gloria M. Navarro's General Order 2014-1 (<http://www.nvd.uscourts.gov/Files/General%20Order%20-%20Pro%20Bono%20Pilot%20Program.pdf>), the Pilot Program commenced on October 1, 2014.

At the beginning of last year, Chief Judge Navarro appointed Magistrate Judges William Cobb and Cam Ferenbach as co-chairs of a pro bono committee to advise the judges and make recommendations. The co-chairs were able to assemble a committee of well-qualified attorneys representing a cross-section of our bar and the indigent legal services community. The current members are: Barbara Buckley, Legal Aid Center of Southern Nevada; Nick Crosby, Marquis Aurbach Coffing; Paul Elcano, Washoe Legal Services; Terri Keyser-Cooper, a Reno attorney with extensive experience in prisoner civil rights litigation; Mark Woolf, Magistrate Judge Bill Hoffman's law clerk, who also serves as the district court's pro bono liaison under the pilot program; Anne Traum, Associate Dean for Experiential Legal Education, Boyd School of Law; Melanie Kushnir, Legal Aid Center of Southern Nevada; Angela Washington, Access to Justice Commission, State Bar of Nevada; and Heidi Meek, Washoe Legal Services. Judge Ferenbach's Judicial Assistant, Mai Tieu, acts as the committee's reporter and was appointed Liaison as of July 1, 2015.

Under the Pro Bono Pilot Program, at any time during the course of litigation, an assigned judge may refer a case to the program for appointment of pro bono counsel. Section 1(a)(1) of General Order 2014-1 lists factors a judge may consider in deciding that a referral is warranted. Referral may be for a general purpose or for a limited purpose, such as representation of an inmate in an Early Mediation Conference (the district's worthwhile program to explore settlement before litigation in §1983 suits.) Section 1(a)

(2). Judicial officers do not recruit volunteer attorneys. This process is coordinated by the liaison, through Legal Aid Center of Southern Nevada for southern division cases and Washoe Legal Services for northern division cases. Agreement regarding the terms of the representation must be reached between the volunteer attorney and the prospective client before a court order is entered appointing the attorney. The order of appointment is entered only after the liaison informs the assigning judge that a willing volunteer attorney is available.

This program provides an opportunity for attorneys to gain federal litigation experience, while logging pro bono hours, through representation of indigent pro se plaintiffs in cases referred to the program by an assigned judge. Financial eligibility is determined by the cooperating legal services entity. CLE programs and a system for providing mentors in appropriate cases are in the planning stages. For information on how the system will work, please check the details of General Order 2014-1.

During the first six months of operation, 12 cases have been referred to the program with nine appointments. There are a variety of cases that have been referred, including under both Title VII and section 1983. Referrals have been split evenly between general-purpose appointments and limited-purposes appointments. As the program is in its infancy, the liaison and committee co-chairs continue to evaluate the effectiveness of the program's various provisions, recommending changes when necessary in order to improve the experience for volunteer attorneys and litigants. Feedback from both participating attorneys and referring judges is actively sought and to date has been overwhelmingly positive. As the program grows, the Pro Bono Committee is committed to ensuring that the experience remains positive for all involved.

The federal judges presiding in the District of Nevada recognize that the appointment of counsel to represent indigent civil litigants in appropriate cases will enhance our legal system by improving access to justice. Court efficiency will also be increased if a significant number of volunteer attorneys make themselves available for appointment. Upon receiving a report on the program's progress to date, Chief Judge Navarro commented, "We're thrilled that attorneys are volunteering. Pro bono counsel is providing a great service to their clients and the court."

For more information or to volunteer please contact Melanie Kushnir (702) 386-1070 Ext. 1429 or [mkushnir@lacs.nv.uscourts.gov](mailto:mkushnir@lacs.nv.uscourts.gov) in the south, or Heidi Meek (775) 785-5729 or [hmeek@washoelegalservices.org](mailto:hmeek@washoelegalservices.org) in the north. **NL**