

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

In Re Amendments to the                    )  
Federal Civil Panel                        )  
that Provides Legal                        )  
Assistance to Indigent                    )  
Parties in Certain Civil Litigation      )

**STANDING ORDER**

The Court hereby amends the policies and procedures relating to the volunteer panel of attorneys known as the “Federal Civil Panel” (hereinafter, “the Panel”). The attorneys on the Panel, upon Court authorization, shall represent indigent parties in prisoners’ rights, equal employment, and other types of civil cases, consistent with the following policies and procedures:

1. Upon the determination by the Court that representation of a *pro se*, indigent party is warranted, the Court may enter an order approving the referral to an attorney pursuant to the procedures set forth herein. Notwithstanding these procedures, however, the Court retains the discretion to request the services of an attorney in any type of case under such circumstances as it deems appropriate.

2. Upon the entry of the type of order referenced above, the Clerk’s Office will seek to refer the representation to a member of the Panel. The Clerk’s Office shall maintain (1) a list of Panel members; (2) a list of the law firms or legal organizations with which those members are affiliated; and (3) for each such firm/organization, the name of a designated Panel representative (“representative”). In making a referral, the Clerk’s Office will select a firm/organization to whom the matter should be referred. It will then contact the

firm/organization's representative to begin the referral process. The acceptance or rejection of such a referral shall occur subject to the following procedures:

a. A firm/organization to whom representation is referred shall exert every reasonable effort to accept the case, to provide competent representation, and to continue such representation until the case is concluded. It is recognized by the Bar that this commitment is essential to the effective operation of the Panel. Representation shall be declined by the firm/organization's representative only in cases where: (1) there is a conflict of interest; (2) the firm/organization is currently representing a party in two or more Panel cases; or (3) representation may otherwise cause an undue hardship for the firm/organization.<sup>1</sup> Within 14 days of the date of the referral, unless an extension is granted, the firm/organization's representative shall respond to the Clerk's Office in writing and indicate whether or not the referral is accepted. If the referral is not accepted, the firm/organization's representative shall also communicate the reason for the rejection to the Clerk's Office in writing.

b. If representation is accepted, the firm/organization's representative will advise the Clerk's Office as to the name(s) of the firm/organization's Panel members who will be representing the indigent party. Additionally, the firm/organization will immediately inform the indigent party of the referral and arrange an initial conference. Within 30 days after the initial conference, either the indigent party or the Panel attorney(s) may decline, without explanation, to proceed with the representation.<sup>2</sup> Upon the indigent party's request, a referral to another

---

<sup>1</sup> Given that the Court has already characterized these cases as non-frivolous and these plaintiffs as in need of representation, a declination based on a merits review is not appropriate.

<sup>2</sup> This initial period -- in which either the indigent party or the attorney may decline the representation -- may be extended by agreement for an additional 30 days. If the attorney finds it necessary to ask for leave to withdraw after the representation has been accepted and an appearance for the indigent party has been entered, the Court will give due consideration to the public service nature of the representation when considering such a request.

firm/organization may be made.<sup>3</sup> In cases in which a fund may be created or a fee may be shifted as a result of the attorney's services, a written agreement covering fees and expenses will be entered into by the indigent party and the attorney.

3. As an alternative to representation, and subject to Court approval, the indigent party and the attorney(s) may agree to have the attorney(s) act on a consulting basis.

4. A referred attorney may represent the indigent party as such counsel would represent any indigent client. As to discovery costs and trial expenses, the Court hereby encourages court reporters and others, including medical experts, to charge reduced rates reflecting the nature of the representation. Counsel may, but shall not be required to, advance costs.

5. The Federal Bar Association's District of Delaware Chapter ("FBA") will from time to time, and subject to this Court's approval, appoint attorneys from the FBA's Federal Civil Panel section to serve as Coordinators for the Panel ("Coordinators"). These Coordinators will assist the Court and the Clerk's Office with the organization of the Panel, and shall be available to discuss specific Panel-related issues with Panel members and the Clerk's Office.

6. The Court recognizes that these are public interest representations and, to the extent practicable, will consider this factor in case management and scheduling. For example, when a referred attorney encounters problems with a correctional system in communicating with a prisoner, the Court will consider entering an order requesting the facility's cooperation.

7. The Court, with the assistance of the Coordinators, will review the operation of the Panel on an annual basis. The Court and the Bar will meet regularly to discuss Panel matters of mutual concern. Educational and training sessions will be conducted from time to time, and

---

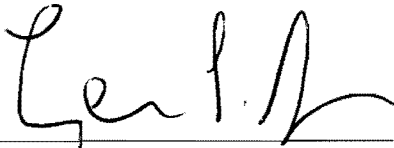
<sup>3</sup> If an indigent party declines representation twice, the Court, in its discretion, may decide not to refer the case for representation a third time.

informative legal reference materials will be provided to Panel members. Any attorney or law firm having an unresolved Panel matter may bring it before the Court. The Court and the Bar will study and consider other alternative dispute resolution procedures that may be appropriate in certain prisoner cases and will encourage the correctional system to handle prisoner claims administratively whenever feasible.

8. The Court and the FBA will endeavor to conduct an intensive and ongoing campaign to increase and maintain the number of attorneys and law firms involved in providing legal services to indigent persons and shall include the Panel as part of that multi-faceted effort. The Court values and strongly endorses this effort to provide counsel in appropriate cases for persons unable to obtain counsel themselves. The Court and the Bar shall join together in making this program successful.

Dated: June 27, 2016

FOR THE COURT:



Chief Judge Leonard P. Stark