

DEC 05 2023

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

Wendy R Oliver, Clerk
U.S. District Court
W.D. OF TN, Memphis

IN RE: ORDER GOVERNING)	
THE OPERATION OF THE)	Administrative Order No. <u>2023-38</u>
CIVIL APPOINTMENTS PANEL)	

This Order governs the operation of the Civil Appointments Panel for the United States District Court for the Western District of Tennessee. Before appointing counsel to represent a party in a case, the presiding judge will consider the party's financial resources, the efforts of the party to obtain counsel, and whether the party's claim or defense appears to have merit.

1. The Civil Appointments Panel includes attorneys who have indicated a willingness to accept appointments in civil cases from the United States District Court for the Western District of Tennessee. The Clerk of Court will keep the roll of participating attorneys or law firms.¹ Counsel will be selected by the Clerk based on a sequential rotation through the roll. Panel members may decline appointment based on the inability to provide the resources necessary at the time the request is made or the existence of a conflict of interest. Panel members may be provided only with general information about the case before their acceptance of the case in order to prevent "cherry-picking" of only the most meritorious cases but may decline representation in the event of a conflict of interest once full case information has been provided.

¹ Law firms may designate a primary contact person for the civil pro bono panel. In that event, a case may be assigned to the law firm and a lawyer within that firm may handle the matter, as long as that individual lawyer also joins the civil pro bono panel.

2. Membership on the Panel is open to all attorneys in good standing who are licensed to practice law in the State of Tennessee and admitted to practice before this Court. Applications (see Attachment A to this Order) to become a member of the Panel should be submitted by email to the Clerk of Court at probonopanel@tnwd.uscourts.gov. As a part of the application process to join the panel, the attorney must certify by signing the application form that the attorney has and agrees to maintain malpractice insurance that covers representation of the litigants for which the Court's appointment is made throughout the representation. Attorneys will be asked to recertify malpractice coverage by December 1 of each year following their first calendar year of membership on the panel. That recertification may be made by email to the Clerk of Court at the email address listed above.

3. Parties who wish to have counsel appointed may file a motion in their case seeking appointment of counsel and must submit the attached "Declaration of Need by Litigant" (see Attachment B to this Order) along with their motion. The Court will consider the motion and, if it is granted, the Court will enter an Order directing the Clerk to locate and obtain the consent of counsel to be appointed in the case. Upon acceptance of the appointment by a Panel member, the Court will enter an order in the case making the appointment.

4. If an attorney seeks to withdraw from a case once appointed, the standard to be applied to the withdrawal will be identical to the standard applied in any other case, although due regard for the circumstances of each case will be given.

5. Although the nature of the cases for which the Panel has been created might be fee generating, a Panel appointee should not expect payment of fees or recovery of expenses beyond what may be obtained by rule or statute, or according to private agreement between the appointee and client.

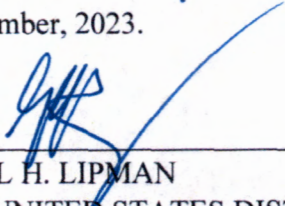
6. In appropriate cases, expenses for the case may be reimbursed to counsel from the Court's Pro Bono Expense Fund in accordance with Volume 4, Chapter 6, Section 670.20(6) of the Guide to Judiciary Policy, which provides for use of the Fund for:

Reimbursement of pro bono counsel for out-of-pocket expenses, payment of compensation to pro bono counsel, and payment of witness fees and other expenses for indigent pro se civil litigants. In the event of an award of attorney's fees or costs to pro bono counsel in the course of such litigation, the court may order return to the fund of any payments made from the fund to counsel for fees and expenses in the amount equal to the award.

It is the responsibility of counsel to maintain appropriate records and submit a request for reimbursement. Counsel should submit the reimbursement request to the Clerk, who will either approve the reimbursement or seek approval from the presiding judge or the Chief Judge, if necessary. Upon approval, the reimbursement may be made to counsel.

7. A copy of this Plan will be provided by the Clerk of Court to each member of the panel and to any attorney requesting information about the panel.

FOR THE COURT, this 5th day of December, 2023.



SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE