

FILED *WJ*

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

MAY 10 2024

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

Administrative Order No. 2024.12

**AMENDED ORDER GOVERNING THE OPERATION
OF THE 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 as to whether the party's claim or defense appears to have merit.

1. The Civil Appointments Panel is comprised of 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 shall keep the roll of participating attorneys, and counsel should be selected based upon a sequential rotation through the roll. Panel members are free to 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 should the case be accepted. Panel members may be provided only with general information about the case prior to their acceptance of the case in order to prevent "cherry-picking" of only the most meritorious cases but are free to decline representation in the event of a conflict of interest once full case information has been provided.

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 during the entire course of the representation. Attorneys will be asked to recertify malpractice coverage on an annual basis 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 make a motion in their case seeking appointment of counsel and must complete 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 are potentially fee generating, a Panel appointee should not expect payment of fees or recovery of expenses beyond that which may be obtained by rule or statute, or

according to private agreement between the appointee and client.

6. In appropriate cases, expenses of 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:

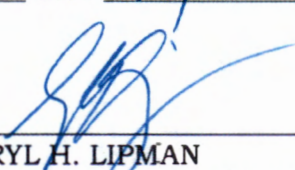
Reimbursement of pro bono counsel for out-of-pocket expenses, payment of compensation to pro bono counsel, and payment of witness fees and other expenses for indigent pro se civil litigants. In the event of an award of attorney's fees or costs to pro bono counsel in the course of such litigation, the 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. A reimbursement request may be made to the Clerk, who will obtain the consent of the presiding judge and then seek approval of the reimbursement from the Clerk of Court or the presiding judge (*see Attachment C of this Order*). Upon such consent and approval, the reimbursement may be made to counsel.

7. The Court has received approval from the Tennessee Commission on Continuing Legal Education for the pro bono services that Panelists provide. Attorney volunteers can receive one CLE credit for every six hours of free service provided, up to a maximum of six credit hours.

8. 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 regarding the panel.

IT IS SO ORDERED THIS 10th DAY May, 2024.



SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE

WESTERN DISTRICT OF TENNESSEE

APPLICATION TO JOIN CIVIL PRO BONO PANEL

Attorney's Name:		BRP#
Address:		
City/State:		Zip Code:
Phone Numbers (Office/Mobile)		
Email Address:		
Date licensed to practice law:	Date Admitted to Practice in Federal Court:	

Types of Civil Cases in which Attorney is willing to accept an Appointment:

- Employment Discrimination Prisoner Civil Rights
 Social Security Other Civil Rights
 Other _____

Please check here if this application is being submitted on behalf of a law firm and the above-named individual is the law firm's primary contact.

Certification of Malpractice Insurance Coverage:

By signing below, I certify that I am covered by malpractice insurance that covers my representation of litigants for whom I accept appointment and that I will continue to carry coverage for the duration of my representation and my membership on the Civil Appointments Panel.

Signature:	Date:
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Please return this form by mail or email:
United States District Court
167 N. Main Street – RM 242
Memphis, TN 38103

Email: probonopanel@tnwd.uscourts.gov

United States District Court
Western District of Tennessee

DECLARATION OF NEED BY LITIGANT

(To be filed by litigant in support of a motion for appointment of counsel)

I, _____ (applicant's name)
declare under penalty of perjury the following in support of my motion for
appointment of counsel by the Court:

1. My household income does not exceed 200% of the current applicable Federal Poverty Guideline available at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>;
2. I lack assets sufficient to afford legal representation in this case;
and
3. I will notify the court and my appointed counsel if my financial condition materially changes before completion of this case.

Signed:	Date:
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(ATTACHMENT B)



**APPLICATION FOR REIMBURSEMENT OF EXPENSES FROM THE PRO BONO FUND
OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE**

_____	Case Number: _____
<i>Plaintiff</i>	
vs..	Name and Address of Attorney: _____
_____	_____
<i>Defendant</i>	_____
Name of Party Represented: _____	Telephone Number _____
_____	_____
Date of Notice of Appearance: _____	Date Appointment Ended: _____
_____	_____
Date of Last Request: _____	Date of Application: _____
_____	_____

CLAIM FOR EXPENSES

Amount

1	Deposition expenses (Attach receipts or, if transcribed by your office staff, attach a statement listing the deponent's name, date of deposition and number of pages.)	_____
2	Expert, investigative or other services (Attach receipts.)	_____
3	Travel expenses (Mileage may be allowed for trips in excess of 50 miles each way, tolls and parking fees.)	_____
4	Witness fees/service of papers (Attach receipts)	_____
5	Interpreter services (Attach receipts)	_____
6	Photocopies, photographs, toll calls, and facsimiles (Actual out-of-pocket expenses only, not office expenses that are part of your normal overhead. Photocopies limited to 10 cents page)	_____
7	Computer Assisted Legal Research (Not to exceed \$500.00)	_____
8	Other expenses (Attach a statement describing expenses.)	_____
	LESS previously applied for and paid expenses	_____
	LESS expenses collected from adverse party	_____
	NET EXPENSES REQUESTED IN THIS PETITION	_____

CERTIFICATION OF ATTORNEY

I hereby affirm the correctness of the above statement and further certify that I have not received any compensation/reimbursement from or on behalf of the client, either from private individuals or other organizations, other than as stated above. None of the costs listed represent fees, costs, or sanctions in favor of an adverse party taxed against myself or my client.

Signature of Attorney: _____ Date: _____

APPROVAL OF CLERK (Not to Exceed \$3,000.00)

Signature of Clerk: _____ Amount Approved: _____ Date: _____

APPROVAL OF PRESIDING JUDGE (Not to Exceed Additional \$2,000.00)

Signature of Presiding Judge: _____ Amount Approved: _____ Date: _____

APPROVAL OF THE COURT (For Amounts in Excess of \$5,000.00)

Signature of Chief Judge for the Court: _____ Amount Approved: _____ Date: _____