

United States District Court

Eastern District of California
Robert T. Matsui United States Courthouse
501 "I" Street
Sacramento, California 95814
(916) 930-4115

Chambers of
Garland E. Burrell, Jr.
Chief Judge

November 16, 2007

Re: Eastern District of California Pro Bono Panel (Civil Rights Cases)

Dear Attorney:

You are receiving this letter because you have been included in an electronic mailing list (Listserve) created by the Eastern District of California Clerk's Office for the purpose of allowing communication with attorneys who are admitted to practice before the Eastern District and who have registered for CM/ECF.

I write seeking assistance from those of you who might be interested in providing pro bono representation, on an occasional basis, to prisoner plaintiffs in civil rights cases. If you do not have such an interest, you may disregard this letter and need not read any further.

For several years, the Court has had a need for attorneys to contribute their time by representing prisoner plaintiffs in lawsuits challenging conditions of confinement or alleging unconstitutional treatment. The Court carefully screens cases that are filed pro se by prisoners. Most cases are dismissed soon after filing or are resolved by motion. Some cases, however, very much benefit from the appointment of counsel to assist the plaintiff. Some of these cases raise important issues of law; indeed, albeit rarely, the Ninth Circuit sometimes finds that a prisoner plaintiff's case has sufficient merit and raises such issues that the district court should appoint counsel for the plaintiff. In other cases, there are contested issues of fact that cannot be resolved short of a trial, which is usually a jury trial.

In the past few years, the Court has faced an increasing number of prisoner actions requiring the assistance of counsel. For this reason, we are looking to attorneys and firms to assist the Court by agreeing to represent prisoner plaintiffs on an occasional basis.

I request that you or your firm agree to take at least one case every three years on a pro bono basis (although the actual assignment of cases may be less frequent than that, depending on the number of attorneys who join the Panel). The Court typically would only assign cases where

the prisoner had already survived summary judgment or where the legal importance or difficulty of the summary judgment issues was evident. In most cases, discovery would be closed and, absent good cause to re-open it, would remain closed. Thus, representation in one of these cases should require a relatively limited cost and time commitment. In addition to providing an opportunity for public service, these cases are especially appropriate for young lawyers who might otherwise not have the experience of trying a civil case to a jury in federal court.

The Court has some funds available from the non-appropriated fund account to help cover reasonable costs expended, provided that advance authorization for each expenditure is obtained from a judge. Of course, if the prisoner plaintiff ultimately prevails, there may be the opportunity to move for attorney's fees. The Federal Bar Association of Sacramento is hosting regular MCLE workshops to provide an overview of the handling of these types of cases. The workshop panels feature judges of our Court and litigators experienced in handling prisoner cases. We plan to work with the San Joaquin Chapter of the Federal Bar Association to host similar events in Fresno.

I hope you will assist the Court in this endeavor and join the Civil Rights Pro Bono Panel. You can confirm your interest by clicking on the link to our website at <http://www.caed.uscourts.gov/probono/web/probono.htm> , and providing the requested information. Once you do so, your name (either individually or as a representative for your firm) will be included on a list of individuals/firms to be contacted when an inmate's civil rights case is determined by the Court to warrant appointment of counsel for the inmate. You will also receive training materials and the dates of upcoming training events.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Garland E. Burrell, Jr.", is written over a printed name.

Garland E. Burrell, Jr.
Chief United States District Judge