

**UNITED STATES DISTRICT AND BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO**

**PRO SE PRO BONO PROGRAM**

Amended 6/12/09

**A. PROGRAM**

The Court has consistently been committed to the fair and efficient resolution of pro se cases. In order to assist in the administration of justice, the Court is authorizing funding for litigation costs incurred by attorneys, legal interns, and law students appointed in civil and bankruptcy pro se matters. The funding will be used exclusively to cover Court-appointed counsel's out-of-pocket expenses. The funds may also be used for payment of a reduced hourly fee to mediators who participate in quarterly Court-sponsored settlement days as part of a mediation pilot program for pro se cases.

Expenses paid through the Pro Bono Program are not covered by Criminal Justice Act (CJA) funds. The Pro Bono Program reimbursement standard is distinct and separate from the CJA fund reimbursement standard. Reimbursement from the program is within the discretion of the United States District and Bankruptcy Court Chief Judges, and the reimbursement limit is initially set at \$1,500.00 per case. The Court shall provide forms designating appropriate out-of-pocket expense categories, which appointed counsel shall submit to account for the use of funds. In complex litigation cases, counsel may seek additional pre-authorized funds with which to cover out-of-pocket expenses. If appointed counsel anticipates that the expenses will exceed \$1,500.00, he or she will be required to submit to the presiding judge, two separate budgets of estimated expenses for the discovery and trial phases of the case, for approval.

Additionally, the Pro Bono Program funds may be used for purposes which enhance the goal of creating, supporting, and maintaining groups of volunteer lawyers and mediators who will assist the court in resolving pro bono civil and bankruptcy cases.

**B. FUNDING FOR PRO SE PRO BONO PROGRAM**

Funds for this program will come from the District of Idaho Non-Appropriated Fund (attorney admission fund). The Pro Bono Program's continued funding through the use of non-appropriated funds is subject to the Board of Judges' annual review and approval of the program.

Funding for this program will not exceed twenty percent (20%) of the annual receipts from the non-appropriated fund, unless otherwise authorized by the Board of Judges and the Lawyer Representatives.

### **C. AUTHORIZATION AND REIMBURSEMENT PROCESS**

The Court's Pro Se Staff Attorneys and Bankruptcy Law Clerks will screen pro se cases and determine whether referral to the Pro Bono Program is appropriate. The cases selected for the program will include only those deemed to have potentially meritorious claims. The Judges will then refer cases to the program and authorize reimbursement for out-of-pocket expenses in pro se civil and bankruptcy cases.

Appointed counsel will submit a request for reimbursement of out-of-pocket expenses on the forms provided by the Court. Requests for reimbursement should be submitted no more than three (3) times in any one case. Appointed counsel may seek reimbursement of out-of-pocket expenses up to the \$1,500.00 amount without prior Court approval of the expenses. The Chief Judges for the United States District and Bankruptcy Court must pre-authorize reimbursement of any expenses beyond the initial \$1,500.00 amount.

The request for reimbursement should be sent to the Chief Judge for the United States District Court for all pro bono civil cases, and to the Chief Judge of the United States Bankruptcy Court for all pro bono bankruptcy cases. The Chief Judges will review the requests for reimbursement and, if appropriate, approve them for payment from the fund. The expense reimbursement forms and budget estimates will not be made part of the Court record for the case, but will be maintained by the Clerk of Court.

In the event the pro bono counsel converts the representation to a contingency fee arrangement, or if the litigant obtains a costs award at trial or in a settlement, the appointed counsel will reimburse the fund for out-of-pocket expenses covered by the program.

### **D. ASSISTANCE BY UNIVERSITY OF IDAHO LAW SCHOOL**

In an effort to assist the Court in the Pro Bono Program, the University of Idaho Law School will maintain a pro se referral program to assist with meritorious civil and bankruptcy pro se cases. Upon referral from the District or Bankruptcy Court, the Law School will appoint faculty members and law students to represent pro se litigants. Attorneys from the Law School will use the forms described above to request reimbursement of out-of-pocket expenses, and will seek pre-authorization for all expenses that exceed \$1,500.00 through the

use of the budget estimate forms. The sustaining fund amount provided to the Law School will also be subject to the expense reimbursement requirements.

#### **E. LEGAL INTERNS**

The supervising attorney or law school will comply with Local Rule 83.4(g) regarding legal interns.

#### **F. PRO BONO VOLUNTEERS**

Any member of the bar who is interested in serving on the Pro Bono Panel should contact the Pro Se Unit for further details. The Pro Se unit screens the cases and only seeks volunteer lawyers in meritorious cases. Upon application of counsel and approval of the presiding Judge, the pro hac vice fees required by Local Civil Rule 83.4 (e) will be waived

In addition, pro bono counsel will be afforded an opportunity for oral argument on dispositive motions and will also be afforded an opportunity for oral argument on other non-dispositive motions when appropriate.