



**NORTHERN DISTRICT OF FLORIDA**

**PLAN FOR THE DESIGNATION OF  
ATTORNEYS TO REPRESENT PRO SE,  
IN FORMA PAUPERIS PARTIES IN CIVIL CASES**

APPROVED OCTOBER 1, 2014  
BY BOARD OF JUDGES' VOTE

MAINTAINED BY  
THE UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
JESSICA J. LYUBLANOVITS

## I. Introduction

The Judges of the United States District Court for the Northern District of Florida adopt this “Plan for the Designation of Attorneys to Represent Pro Se, In Forma Pauperis Parties in Civil Cases” (“Plan”) in recognition of the great benefits to the administration of justice that are provided when lawyers are engaged to represent pro se, in forma pauperis litigants in civil actions. In doing so, the Court recognizes the many attorneys who volunteer their time and resources to the representation of pro se, indigent litigants and the valuable resources and representation provided to individuals who are otherwise unable to afford legal representation.

The following procedures shall govern the creation and management of the Northern District of Florida Volunteer Lawyers’ Project (“VLP”) panel.

## II. Scope

No procedure or requirement contained within this Plan shall be deemed to create a substantive or procedural right as to either attorneys or litigants appearing before this Court.

The procedures included within this Plan are intended to supplement and complement the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and other controlling statutes and rules of this Court. The provisions of this Plan shall be applied, construed, and enforced to avoid inconsistency with other governing statutes and rules of this Court, and shall be employed to provide fairness and simplicity in procedure, to avoid technical and unjustified delay, and to secure just, expeditious, and inexpensive determination of proceedings.

## III. Governance of the Volunteer Lawyer Project Panel

### A. Volunteer Lawyers’ Project Administrative Committee

Subject to the supervision of the Court, the administration of the VLP panel shall be delegated to a committee composed of Court and lawyer representatives. This committee shall be known as the “Volunteer Lawyers’ Project Administrative Committee” (“Committee”).

All Committee members shall be appointed by the Chief Judge. Court representatives on the Committee shall be non-voting members and shall include, at least, a United States Magistrate Judge, the Clerk of Court, and a staff attorney. Attorney representatives on the Committee shall include, at least, one VLP panel member from each of the four (4) divisions of the Court.

The attorneys initially appointed to serve on the Committee will serve staggered terms, with approximately one-third being appointed initially for a four-year term,

a second one-third being appointed initially for a three-year term, and the remainder being appointed for a two-year term. Following the initial Committee appointments, all future appointments will be for three-year staggered terms. Attorneys serving on the Committee may be appointed and serve more than one term and shall serve without compensation. The Chief Judge shall appoint the chair of the Committee from among the members.

The Committee shall have the following responsibilities, subject to oversight by the Court:

- i. Review of the Plan and the requirements contained therein, for the purpose of recommending amendments to the Court;
- ii. Planning and providing educational and professional training opportunities to members of the VLP panel;
- iii. Reviewing, at the request of a judicial officer or VLP panel member, submitted reimbursement requests for reasonableness and compliance with established guidelines;
- iv. Determining whether attorneys admitted to the VLP panel should be removed for any reason, including, but not limited to, poor service, misconduct, incompetence, or failure to comply with the requirements of this Plan;
- v. Investigating complaints relating to a designated attorney's conduct and imposing appropriate disciplinary sanctions, including admonishment, reprimand, and suspension or removal from the VLP panel; and,
- vi. Such other responsibilities relating to the VLP as are necessary and proper.

#### B. Responsibility of the Court

Although this Plan establishes an administrative committee to exercise responsibilities related to the oversight and administration of the VLP and to advise the Court in matters concerning the VLP, the Court retains the ultimate responsibility for management and operation of the VLP and the VLP panel, and may, by majority vote of the district judges, modify or override any action taken by the Committee.

### IV. Volunteer Lawyers' Project Panel

#### A. Formation and Composition of the Volunteer Lawyer Panel

All members in good standing of the bar of this district are eligible for membership on the VLP panel, including those attorneys who are newly admitted, practice part-time, or who serve as corporate or in-house counsel.

All attorneys are encouraged to participate in the VLP panel without regard to race, color, religion, sex, sexual orientation, gender identity or expression, age,

national origin, or disabling condition. Law firms are encouraged to take reasonable steps to elicit one or more members or associates within the firm, commensurate with the size of the law firm, to participate on the VLP panel.

## B. Panel Membership

An attorney may become a member of the VLP panel by submitting a VLP Panel Membership form (“Membership Form”) to the Clerk of Court. The Membership Form shall include the following:

- i. A list of the division(s) in which the attorney is willing to be designated under this Plan;
- ii. An affirmation that the attorney is a member in good standing of the bar of this district;
- iii. Contact information, as required by Local Rule 11(a); and,
- iv. Whether the attorney is able and willing to consult and advise in languages other than English.

The Clerk of Court shall maintain the list of VLP panel members for each division of the Court. The list of VLP panel members shall contain the names of all VLP panel members for each division and the names shall be arranged in random order.

Members of the VLP panel shall remain on the VLP panel until the attorney withdraws from the VLP panel, is no longer a member of the bar of this district, is prohibited from practice in this district, or is removed from the VLP panel.

## C. Removal and Withdrawal from the VLP Panel

### i. Removal from the VLP Panel

In the discretion of the Committee, attorneys may be removed from the VLP panel for any reason, including, but not limited to, failure to respond to designations in a timely manner, declination of more than three (3) designations within a one-year period, poor service, misconduct, incompetence, or failure to comply with the requirements of the Plan.

An attorney may also be removed from the VLP panel by a majority vote of the district judges.

### ii. Withdrawal from the VLP Panel

An attorney may withdraw from the VLP panel at any time by providing written notice to the Clerk of Court. The notice should clearly state the divisions from which the attorney wishes to withdraw.

## V. Designation of a Volunteer Lawyer from the Panel

### A. Selection for Designation

In response to a motion to appoint counsel filed by a party proceeding pro se, in forma pauperis, or upon the Court's own motion, a district or magistrate judge may direct the Clerk of Court to select an attorney from the appropriate divisional VLP panel list for designation in a civil case.

The Clerk of Court shall select the VLP panel member from the divisional list of panel members by following a strict rotation. No employee or judge of the Court shall exercise discretion in the selection of the VLP panel member.

Once designated, if the VLP panel member enters a notice of appearance in the case, the panel member shall not be selected again until all other names on the divisional VLP panel list have been selected for designation. A VLP panel member who declines or fails to timely respond to a designation shall remain at the top of the VLP panel list rotation.

### B. Notice of Designation

Once selected, the Clerk of Court will notify the VLP panel member of the designation. The notification shall include:

- i. A copy of the public docket sheet for the case;
- ii. A copy of the operative complaint;
- iii. Instructions on how to view the full public docket; and,
- iv. Contact information for the Court.

### C. Acceptance or Declination of Designation

Within thirty days from the date of the notice of designation, the VLP panel member shall accept or decline the designation. If the VLP panel member accepts the designation, the member shall immediately file a notice of appearance in the case.

A VLP panel member may decline a designation for any reason. If the VLP panel member declines the designation, the member shall send written notification to the Clerk of Court, as instructed in the notice of designation. The written notification need not specify a reason for declining the designation.

## VI. Scope and Duration of Appearance Following Acceptance of Designation

### A. Duration of Appearance

Once the VLP panel member appears as counsel, the member shall represent the pro se party (“client”) in the case from the date a notice of appearance is filed until the Court allows the attorney to withdraw from representation, the case has been dismissed, the case has been transferred to another court, or a final judgment has been entered in the case.

B. Scope of Appearance

i. General Designations

Designations made, and appearances entered, pursuant to this Plan shall be limited solely to the case before the Court, and, if applicable, any interlocutory appeal(s) filed during the pendency of the case. VLP panel members shall not be required to represent the client in any additional matter, including other appellate proceedings, remands, or collateral matters commenced after entry of final judgment in the case.

ii. Designations for the Limited Purpose of Settlement

The Court may designate a VLP panel member for the limited purpose of settlement and to perform those actions necessary and required as a part of the settlement process, including, but not limited to, preparing for and attending a mediation or settlement conference on behalf of a pro se, indigent litigant and, if the case settles, drafting and filing a settlement agreement and any other filing(s) necessary to notify the Court of the settlement and dismiss the action.

If a VLP panel member accepts a designation for the limited purpose of settlement, the VLP panel member shall file a Notice of Limited Purpose Appearance in the case. If the case for which the VLP panel member entered a Notice of Limited Purpose Appearance settles, the member shall file the appropriate pleadings for dismissal of the case. If the case for which the VLP panel member entered a Notice of Limited Purpose Appearance does not settle, the VLP panel member shall either file a notice that the VLP panel member is entering a full appearance in the case or file a motion to withdraw from further representation.

C. Withdrawal from Representation by Counsel Designated Pursuant to this Plan

A designation and notice of appearance entered pursuant to this Plan does not alter a VLP panel member’s ability to withdraw from the case, except for failure to comply with a written fee agreement, the panel member shall not request withdrawal for reasons related to the client’s inability to pay attorney fees, litigation expenses, or taxable costs.

If a client's financial resources change after the VLP panel member files a notice of appearance, and the client is able to pay attorney fees, costs, and litigation expenses, the VLP panel member may seek to withdraw from representation. In this situation, the VLP panel member may assist the client in retaining the VLP panel member or other counsel outside of the provisions of this Plan on a compensated basis. With the client's consent to such a change in representation, and upon the designated VLP panel member's filing a motion to withdraw, the Court may grant the withdrawal and substitution of counsel. The new attorney's representation shall not be governed by this Plan.

## VII. Attorney's Fees

VLP panel members shall represent the client without receiving a fee, except in those cases where a valid fee agreement has been entered into. If the attorney determines that a client may be entitled to recover attorney fees or a monetary award or settlement, the attorney shall advise the client of that possibility and, prior to entering a notice of appearance in the case, may enter into the following written agreements with the client:

### A. Attorney's Fee Agreement

Representation provided may be conditioned on the client's entering into a written fee agreement assigning to the attorney any amounts recovered by the client as attorney's fees pursuant to law(s) authorizing such an award.

### B. Contingent Fee Agreement

Representation provided may be conditioned on the client's entering into a contingent fee arrangement providing for the payment of a reasonable fee and litigation expenses out of any funds recovered by the client as a result of the representation, provided that:

- i. The contingent fee agreement states that the amount of any payment received by the attorney pursuant to an assignment agreement shall be credited against the client's fee obligations; and,
- ii. The contingent fee shall be calculated based on the amount recovered after the payment of any taxable costs and litigation expenses.

## VIII. Expenses Incurred By a VLP Panel Member

A VLP panel member may receive reimbursement through this district's Bench and Bar Fund. The amount and type of reimbursement, as well as procedures for requesting reimbursement, are governed by the Plan for Administration of the Bench and Bar Fund.

Should the VLP Administration Committee determine that a separate fund to cover expenses incurred by VLP panel members would be of benefit to the VLP, the Committee is encouraged to research non-judiciary options available and make a recommendation to the Court pursuant to this Plan.