

2.02 | APPOINTMENT OF COUNSEL BY THE COURT

If your income, financial resources, or circumstances make it very hard for you to hire or otherwise find a lawyer, the Court may find that you are "indigent," which means that you do not have the resources to pay for an attorney. Typically, the Court is asked to make this finding when a pro se litigant files a document with the Court known as an application to proceed "***in forma pauperis***." Information regarding the in forma pauperis application and the effects of being permitted to proceed in forma pauperis are discussed later in this Handbook.

If you are granted in forma pauperis status, you may request, by submitting a written motion, that the Court appoint counsel for you if you are otherwise unable to obtain a lawyer. Before you submit such a motion, you must try to obtain counsel on your own.

The Court considers requests for counsel in light of a number of factors set forth by the district court's Local Rules. Usually, the Court must determine whether the party's legal position in the lawsuit is of substance. If so, the Court will then consider several other factors, including how complex the legal issues are in the particular case and the indigent party's ability to investigate and present his or her case.

If you are granted permission to proceed in forma pauperis, and you decide to make a motion for the appointment of counsel, you must include with your motion details of your efforts to obtain counsel by means other than court appointment. In addition, you generally must include communications from the attorneys that you contacted regarding your case and what they indicated were their costs and/or other reasons for why you did not retain them. Failure to include documentation that substantiates your attempts to obtain counsel on your own could result in the denial of your motion for appointment of counsel.

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