



**PRO SE HANDBOOK
CHAPTER 2: FINDING AN ATTORNEY
(ALL-IN-ONE DOCUMENT)**

FEDERAL BAR ASSOCIATION
ACCESS TO JUSTICE TASK FORCE

{10/23/2019}

"A HANDBOOK FOR PRO SE LITIGANTS"

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PRO SE HANDBOOK
FROM THE FEDERAL BAR ASSOCIATION

CHAPTER 2 FINDING AN ATTORNEY

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ITEMS 2.00 through 2.02



2.00 | INTRODUCTION

Bringing a lawsuit can be time consuming and complicated. While it is possible to navigate the federal judicial system on your own, having an experienced attorney to help you can improve your chances of doing things properly and getting a result with which you are happy. While some lawyers are expensive to hire, there are several options for hiring a lawyer that will cost you little or no money. In general, the options are: (1) hiring a lawyer who will work on a "contingency" basis; (2) finding a lawyer to take on your case "pro bono" (meaning at no cost to you); and (3) asking the court to appoint counsel for you. These options are discussed in more detail below.

It is important to note that in a criminal case, a defendant is entitled to legal counsel by the United States Constitution, and one is provided if the criminal defendant is unable to hire a lawyer. However, a party to a civil case is not entitled to an attorney paid for by the government, even if he or she cannot afford one.

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2.01 | COUNSEL PERFORMING WORK ON A CONTINGENCY BASIS OR PRO BONO

There are several options to find a lawyer to represent you even if you cannot afford to pay for legal services. For example, some attorneys may be willing to accept a reduced fee or lenient fee payment schedule to take on your case. Some attorneys also offer "limited representation," meaning that they may help you evaluate your case, or draft a pleading, without requiring that you hire them for the entire case. Other attorneys may be willing to accept your case on a contingent fee basis, which means the attorney would receive a fee based upon a percentage of your recovery if you win your case and would receive nothing if you do not win. If you would like assistance in finding an attorney who may consider taking your case on a contingency or "limited representation" basis, there are lawyer-referral services that may be able to help you. For a list of the Lawyer Referral Services located within the Federal District you wish to file your claim, check your district court's website.

In addition to lawyers who will work for reduced fees or on a contingency basis, many lawyers offer "pro bono" legal assistance. This means that a lawyer will represent you, but will not charge you any money for their time or work, and (generally) will not take a portion of anything you recover. If you prefer to have an attorney represent you, but you are unable to pay to retain one, you should consider contacting a local legal services office or state bar association. You may also call law firms and ask whether they have a pro bono practice and if you would qualify for such assistance.

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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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APPENDIX



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ORIGINAL SOURCE

<u>#</u>	<u>Item</u>	<u>Link</u>
1	Original Source	https://USCourts.gov

INTERACTIVE VERSION(S)

<u>#</u>	<u>Item</u>	<u>Link</u>
1	HTML Version	TextBookDiscrimination.com/Handbooks/ProSe/US/C02

ADDITIONAL PRO SE RESOURCES

<u>#</u>	<u>Item</u>	<u>Link</u>
1	DOAH Handbook	TextBookDiscrimination.com/Handbooks/ProSe/DOAH/
2	FL Bar Handbook	TextBookDiscrimination.com/Handbooks/ProSe/FLBar/
3	USCA11 Handbook	TextBookDiscrimination.com/Handbooks/ProSe/CA11/
4	USFLMD Handbook	TextBookDiscrimination.com/Handbooks/ProSe/USFLMD/

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Congratulations! You're now **booked up** on Chapter 2 of the Florida Bar Association's Pro Se Handbook!

