

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

**Plan for Accepting Requests from Indigent Parties for Pro Bono Counsel  
in Adversary Proceedings**

July 1, 2015

The objective of this *Plan for Accepting Requests for Pro Bono Counsel for Indigent Parties in Adversary Proceedings* (Plan) is to facilitate the representation of indigent parties in adversary proceedings with volunteer attorneys. This Plan does not apply in bankruptcy cases.

**I. Responsibilities of Pro Bono Coordinator**

The Pro Se Clerk shall be the Court's Pro Bono Coordinator and shall administer the Plan in the manner set forth below.

**II. Procedures**

- A. Individual pro se parties in Adversary Proceedings may file an Application for Pro Bono Counsel. In addition to the Application, the party shall complete a Supplemental Questionnaire and prepare schedules, if they have not already been filed in a bankruptcy case, submit supporting documents and sign an Affidavit of Indigence. These documents will be reviewed by the Pro Bono Coordinator and may request supplemental document<sup>4</sup>ation as may be necessary to administer this Plan.
- B. An applicant's financial information will not be made available to the parties or the public, but the Application will be docketed. Among the criteria the court will consider:
  - 1. Whether the applicant's household income is 200 per cent or below of the HHS Poverty Guidelines;
  - 2. The value of the applicant's assets;
  - 3. Whether the applicant has made a good faith effort to secure representation but was unable to do so.
  - 4. The factual and legal complexities presented in the Adversary Proceeding.
- C. Appropriate action will be taken within 15 days of the filing of the Application.

**III. Designation of Cases for Pro Bono Representation and Selection of Counsel**

- A. Volunteer attorneys must first complete and submit an Application ("Attorney Application").
- B. Whenever a judicial officer determines that a request for pro bono counsel should be approved, the judicial officer shall issue an order granting the indigent party's request. The order shall be transmitted forthwith to the Pro Bono Coordinator. The Pro Bono Coordinator will circulate to Volunteers a description of the case for which the request has been allowed.
- C. If after review representation is declined or if a Volunteer attorney cannot appear in the case in accordance with Section II, the Pro Bono Coordinator shall continue to poll the

panel of volunteers. Alternatively, the Pro Bono Coordinator may recommend that the judicial officer vacate the order.

- D. Attorneys are not appointed by the Court, nor is a right to counsel created by the order allowing the Application.

#### **IV. Appearances**

After representation has been secured in the case in accordance with Section III, the Pro Bono Coordinator shall immediately send to counsel a copy of the party's pro se pleadings, a copy of the docket sheet, and any additional materials that the Court believes might be of assistance to Counsel in handling the matter.

#### **V. Scope and Duration of Representation**

It is expected that the scope of representation shall be limited solely to those matters at issue before the Court in the Adversary Proceeding. Counsel shall represent the party in the action until final judgment is entered in the action, or the issue or issues designated by the judicial officer have been resolved, unless a judicial officer grants a motion to withdraw.

If the party desires to take an appeal from a final judgment, volunteer counsel may assist the party in filing a notice of appeal without being bound to handle the appeal. Nothing in this paragraph precludes or prohibits the volunteer and the party from agreeing to terms of representation in any appeal.

#### **VI. Expenses and Compensation for Services**

Volunteer Counsel may apply for reimbursement of expenses from the Court in accordance with the Court's *Guidelines Governing the Reimbursement of Expenses in Pro Bono Cases*. Insofar as expenses are not reimbursed by the Court, counsel shall bear the cost of any expenses. **Reimbursement of expenses is contingent on available funding at that time.** Expenses of appeal are not compensable under this Plan.

Attorneys appearing on a pro bono basis are in no way prohibited from assertion of interim or final claims for attorneys' fees and costs under 42 U.S.C. § 1988 or otherwise recoverable under applicable law.

If after appearance, Volunteer Counsel discovers that the party is able to pay for legal services in whole or in part, or discovers that the party is not eligible for pro bono services under the criteria established by the Plan, the attorney shall bring that information to the attention the Pro Bono Coordinator and then the judicial officer. Thereupon the judicial officer may (1) approve the entry into a fee agreement between the party and the attorney or (2) allow a Motion to Withdraw in order to permit the party to retain another attorney or proceed pro se.



# United States Bankruptcy Court for the District of Massachusetts

## Adversary Proceeding Pro Bono Panel Application

### Applicant Information

Full Name:

\_\_\_\_\_  
*Last First M.I.*

Firm:

\_\_\_\_\_

Business Address:

\_\_\_\_\_  
*Street Address Suite*

\_\_\_\_\_  
*City State ZIP Code*

Phone:

\_\_\_\_\_ **Fax:** \_\_\_\_\_

Email address:

\_\_\_\_\_

Website:

### Admission Information

BBO No.:

Date of Admission, MA:

Admission Date, USDC-MA:

Other jurisdictions:

CM ECF Login:

### Willing to Accept Cases

- Eastern Division       Western Division       Any
- Central Division       Cape & Islands       Any, Depends on Case
- Can Travel to Client       Accessible by Public Trans.

### Languages

- Spanish     ASL     Other(s): \_\_\_\_\_

### Professional Liability Insurance

Please note: Certain matters require volunteers to have professional liability insurance.

- No     Yes    Coverage Limits: \_\_\_\_\_    Renewal Date: \_\_\_\_\_

**Have you been a member of any society or organization providing counsel to indigent persons in civil cases? Please describe service and experience.**

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**Case Matters to Volunteer**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Any                       | <input type="checkbox"/> Debtor - Defendant   | <input type="checkbox"/> Debtor - Plaintiff   |
| <input type="checkbox"/> Creditor - Defendant      | <input type="checkbox"/> Creditor - Plaintiff | <input type="checkbox"/> Any, Depends on Case |
| <input type="checkbox"/> Discharge – Student Loans | <input type="checkbox"/> Discharge - DSO      | <input type="checkbox"/> Discharge - other    |
| <input type="checkbox"/> Discharge - Taxes         | <input type="checkbox"/> Preferences          | <input type="checkbox"/> Fraudulent Transfers |

**Signature**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please print sign and mail to:

Pro Bono Coordinator  
United States Bankruptcy Court  
5 Post Office Square, Suite 1150  
Boston, MA 02110

***or***

Please print, sign, scan and email the PDF to (please retain the original):  
prose\_lawclerk@mab.uscourts.gov

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

**FREQUENTLY ASKED QUESTIONS BY ATTORNEYS ABOUT  
THE BANKRUPTCY COURT'S PRO BONO PROGRAM**

**What is the Bankruptcy Court's Pro Bono program?**

In an appropriate adversary proceeding, the Bankruptcy Court may grant an indigent party's Application for Pro Bono Counsel. Such a motion might be granted at different stages of the proceeding, such as before discovery, before a hearing on a dispositive motion, or before a final pretrial conference. The Court's Pro Bono Coordinator will contact members of bar who have expressed a general interest in providing pro bono services to indigent litigants once the order has entered. Further information on this Plan is available through the link on the Court's web page.)

**In what types of cases does the Bankruptcy Court grant an Application for Pro Bono Counsel?**

At this time the program is limited to indigent parties in adversary proceedings. It is not available for any proceedings in the main bankruptcy case.

**Why is an Application required under this program?**

In cases where an Application has been allowed, Pro Bono Counsel may seek reimbursement from the Court for certain costs and expenses. **Reimbursement is not guaranteed, is subject to Court approval and is subject to available funding.** For more information on what costs and expenses may be recoverable, please refer to Reimbursement Guidelines available on the Court's web page.

**What about recovering attorney's fees and costs from opposing parties?**

Nothing in the plan prohibits or precludes Pro Bono Counsel from seeking attorney's fees and costs from an opposing party under any relevant statute providing for such awards.

**How do I learn about the cases that are in need of a volunteer?**

First, complete the Adversary Proceeding Pro Bono Panel Application available on the Bankruptcy Court's website and submit it to the Pro Bono Coordinator. You will receive email announcements of lists available for to volunteer. You do not incur any obligation by being on the email list, and the email list is not distributed to pro se litigants.

**If I am interested in volunteering in a specific case, what do I do?**

Contact the Pro Bono Coordinator and express your interest in the matter. The Pro Bono Coordinator will forward you the pleadings from the case to enable you to evaluate whether you want to take on the matter. You may also elect to meet with the potential client before deciding to represent him/her and filing an appearance.

**Do I need to be a seasoned attorney to participate in this program?**

No. New attorneys are strongly encouraged to participate in the program. (The pro bono program provides an opportunity for new attorneys to obtain experience in federal court while providing legal services to those unable to pay for them.) However, it is important that new attorneys have adequate resources at their disposal (e.g., mentors, research materials, etc.). At this time the pro bono program has no training program.

PRO BONO COORDINATOR

William J. McLeod, Pro Se Clerk

Email: [probono@mab.uscourts.gov](mailto:probono@mab.uscourts.gov)

Boston 617-748-5351

Worcester 508-770-8925

Springfield 413-785-6892

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**In what types of cases does the Bankruptcy Court grant an Application for Pro Bono Counsel?**

At this time the program is limited to indigent parties in adversary proceedings. It is not available in the main bankruptcy case. Pro se parties seeking assistance obtaining legal counsel should speak to the Pro Se Clerk/Pro Bono Coordinator.

**Why is an Application required under this program?**

In cases where an Application has been allowed, Pro Bono Counsel may seek reimbursement from the Court for certain costs and expenses. **Reimbursement is not guaranteed, is subject to Court approval and is subject to available funding.** For more information on what costs and expenses may be recoverable, please refer to Reimbursement Guidelines available on the Court's web page.

**How do I know I am eligible?**

In addition to the Application, you will be required to submit a Supplemental Questionnaire with supporting documents along with an affidavit. With the exception of the Application, all documents are filed under seal and not made available to the public or to parties in the proceeding. At a minimum, your household income must be 200 per cent or below the HHS Poverty Guidelines. Other information is also considered. Contact the Pro Bono Coordinator to learn more.

**Will I get an attorney if I am eligible?**

If the Court allows the Application, a volunteer attorney may appear in the case on your behalf. The availability of an attorney depends on many factors including whether there are volunteers available at that time. Allowance of the application is no guarantee an attorney will appear throughout the case.

**Who do I contact to learn more?**

Contact the Pro Bono Coordinator who can ask any specific questions you may have. Remember, you cannot obtain any legal advice from the Clerk's office.

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William J. McLeod, Pro Se Clerk

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