

BASICS OF PRO BONO REPRESENTATION IN THE DISTRICT OF NEW JERSEY

September 26, 2011

at the New Jersey Law Center
New Brunswick, New Jersey



Sponsored by:

**The United States District Court for the District of New Jersey
and
The Association of the Federal Bar of New Jersey**

NJ CLE Information:

This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 2.0 hours of total CLE credit. Of these, 1.0 qualifies as hours of credit for ethics/professionalism, and 1.0 qualifies as hours of credit toward certification in civil trial law.

**THE BASICS OF PRO BONO REPRESENTATION
IN THE DISTRICT OF NEW JERSEY 2011**

PROGRAM

Moderators/Program Co-Chairs:

- Opening Remarks:
 - Robert M. Goodman, Esquire of Greenbaum, Rowe, Smith & Davis, LLC
 - Edward T. Kole, Esquire of Wilentz, Goldman & Spitzer, P.A.

Speakers/Topics:

- Welcome by the Honorable Garrett E. Brown, Jr., Chief Judge
United States District Court, New Jersey
Importance of participation in the *Pro Bono* Program
- Welcome by Lisa J. Rodriguez, Esquire
President, The Association of the Federal Bar of New Jersey
Association support for *Pro Bono* Work
- Honorable Lois H. Goodman, United States Magistrate Judge
U.S. District Court, New Jersey
The types of cases for which the Court typically assigns *pro bono* counsel
- Maureen Parrott, Esquire
Pro Se Attorney's Office, U.S. District Court, New Jersey
Screening prisoner complaints; dismissal *sua sponte* of frivolous claims for failure to state a claim, or for defendant immunity (28 U.S.C. 1915(e)(2)(B) and 1915A)
- Lawrence S. Lustberg, Esquire, of Gibbons P.C.
Director, John J. Gibbons Fellowship in Public Interest & Constitutional Law
"The Ten Commandments for Handling Assigned Pro Bono Cases; a practical guide to litigating these types of matters"; and dealing with potential conflicts of interest.
- Susan M. Scott, Deputy Attorney General, State of New Jersey
The logistics in dealing with an incarcerated client; considerations due the Department of Corrections; handling an inmate's 42 U.S.C. § 1983 case
- John O'Brien, Esquire,
Chief Deputy, Operations, U.S. District Court, New Jersey
Procedures and forms for reimbursement for out-of-pocket expenses
- Concluding Remarks:
 - Robert M. Goodman, Esquire of Greenbaum, Rowe, Smith & Davis, LLC
 - Edward T. Kole, Esquire of Wilentz, Goldman & Spitzer, P.A.

TABLE OF CONTENTS

- I. Program Agenda
- II. Speaker Biographies
- III. Attachments:

The Ten Commandments for Handling Assigned *Pro Bono* Cases (**Page 6**)

Logistics in Dealing with an Incarcerated Client (Susan Scott, DAG)

- 2A. Representing Incarcerated Persons (Powerpoint Slides) (**Page 8**)
- 2B. N.J.A.C. 10A: 18-6.7 (2011) (**Page 13**)
- 2C. Request for Attorney-Client Contact Visit, form (**Page 16**)
- 2D. Attorney/Court Related Personnel Visit Request, form (**Page 18**)
- 2E. Dept of Corrections Attorney-Client Contacts (**Page 20**)
- 2F. Visit Information, Central Reception and Assignment Facility (**Page 25**)
- 2G. Video Conference Sites, NJ State Prisons (**Page 32**)

Procedures/Forms for Reimbursement of Out-of-Pocket Expenses
(Jack O'Brien, Esquire)

- 3A. *Pro Bono* Representation, a Primer (USDC/NJ) (**Page 35**)
- 3B. Appendix H: Appointment of Attorneys in *Pro Se* Civil Actions (**Page 42**)
(Local Civil Rules, USDC/NJ)
- 3C. *Pro Bono* Informational Letter, DNJ-ProBono-004 (**Page 51**)
- 3D. Reimbursement Voucher, USDC/NJ (**Page 53**)
- 3E. Application for Pre-Approval of *Pro Bono* Services, USDC/NJ (**Page 55**)
- 3F. Application to the *Pro Bono* Panel, USDC/NJ (**Page 56**)

Program Speaker Biographies:

Honorable Garrett E. Brown, Jr.: Chief Judge, U.S. District Court for the District of New Jersey (since 2005); B.A., Lafayette College, Easton, PA (1965); J.D., Duke University School of Law, Durham, NC (1968); Law Clerk, Honorable Vincent S. Haneman, Supreme Court of New Jersey (1968-1969); Assistant U.S. Attorney, Office of the U.S. Attorney, District of New Jersey (1969-1973), Deputy Chief, Criminal Division ((1971-1972) (received Attorney General's Meritorious Service Award)), Executive Asst. U.S. Attorney (1972-73); Senior Associate (1973-1975) and Partner (1976-1981), Stryker, Tams and Dill, Newark, NJ; General Counsel, U.S. Government Printing Office ((1981-1983) (received Public Printer's Gold Medal for Distinguished Service)); Chief Counsel (1983-1985) and Acting Maritime Administrator (1985), U.S. Maritime Administration. Appointed U.S. District Judge by President Ronald Reagan (sworn-in January 31, 1986). Bar admissions: NJ; NY; and Washington, DC. Memberships: Judicial Conference of the U.S. (2005-2008); FJC Committee on Financial Disclosure (1997 to 2004); FJC District Judge Education Advisory Committee (1999 to 2004); Third Circuit Judicial Council (2005-present). Adjunct Professor, Seton Hall University School of Law, Newark, NJ ((1995-present) (has taught over 20 courses in professional responsibility, civil trial advocacy, legal negotiation, federal courts and federal jurisdiction). Judicial Master, Intellectual Property Inn of Court. Fellow, American Bar Foundation. Panelist/Presenter at numerous continuing legal education programs on various topics. Board of Visitors, Duke University School of Law.

Lisa J. Rodriguez, Esquire, a member of the Firm of Trujillo Rodriguez & Richards, LLC, is a 1983 graduate (*with honors*) of the George Washington University Law School. She served as a law clerk to the Honorable Mitchell H. Cohen, Senior Judge of the United States District Court for the District of New Jersey. Ms. Rodriguez has appeared as a panel speaker for the Practicing Law Institute on Securities Regulation and has also appeared as a Lecturer for consumer and class action issues. She has participated in programs sponsored by consumer organizations, speaking and writing on consumer issues in general, and the rent-to-own industry in particular. Ms. Rodriguez served as a member of the Third Circuit Task Force on The Selection of Class Counsel, a position to which then Chief Judge Edward Becker appointed her. In addition, Ms. Rodriguez has served as a member of the Board of Editors of the Fen-Phen Strategist, a publication dealing with litigation concerning widely prescribed diet drugs.

Honorable Lois H. Goodman is a United States Magistrate Judge in Trenton, serving since March 2009. Before taking the bench, she was a partner in the law firm of McElroy, Deutsch, Mulvaney & Carpenter from 2004 to 2009, and was associated with and then a partner of the firm of Carpenter, Bennett & Morrissey from 1987 to 2004. She formerly served as a law clerk to the Hon. Stewart G. Pollock of the New Jersey Supreme Court. She is a graduate of Rutgers College and the New York University School of Law.

Maureen Parrott, Esquire, a graduate of Cornell University and Rutgers-Newark School of Law, has been a staff attorney in the Pro Se Attorneys' Office in the U.S. District Court for the District of New Jersey for 15 years. Before working for the Court, Ms. Parrott worked as staff attorney for Hudson County Legal Services and supervising attorney at Camden Regional Legal Services. Ms. Parrott will describe the Court's screening (prior to service) of all

prisoner complaints and *sua sponte* dismissal of claims that are frivolous, fail to state a claim upon which relief may be granted, or because the defendant is absolutely immune from suit, in accordance with the requirements of 28 U.S.C. 1915(e)(2)(B) and 1915A.

Lawrence S. Lustberg, Esquire, is a director at the law firm of Gibbons P.C. in Newark, New Jersey, where he is the long-time Director of the John J. Gibbons Fellowship in Public Interest & Constitutional Law, which litigates historic, cutting-edge civil rights and civil liberties cases, as well the Chairman of the Criminal Defense Practice Group. A *magna cum laude* graduate of Harvard College (1979) and *cum laude* graduate of Harvard Law School (1983), as well as recipient of the International Graduate School Fellowship at the University of Stockholm (1980), Larry clerked for the Honorable H. Lee Sarokin, United States District Judge, following which he served as an Assistant Federal Public Defender for the District of New Jersey for five years before joining Gibbons as the first Gibbons Fellow. Larry is former President of the Association of Criminal Defense Lawyers of New Jersey and former Co-Chair of the Criminal Litigation Committee of the American Bar Association.

Susan M. Scott is a Deputy Attorney General with the State of New Jersey. She graduated from Rutgers University with a Bachelor's Degree in Political Science and Psychology. She obtained her Juris Doctorate and Masters in Intellectual Property from University of New Hampshire School of Law (formerly Franklin Pierce Law Center). Susan then served as a judicial law clerk for the Honorable Jamie S. Perri, J.S.C. in the civil division of the New Jersey Superior Court, Monmouth Vicinage. Following her clerkship, Susan joined the Division of Law in the Office of the New Jersey Attorney General in 2005. She is assigned to the Corrections & State Police section where she represents the Department of Corrections and its employees in Civil Rights litigation.

John (Jack) O'Brien, Esquire, is currently Chief Deputy Clerk for the Clerk's Office at the United States District Court for the District of New Jersey, in Trenton, New Jersey, and has been employed with the Court for over 25 years. Admitted to practice in New Jersey, he is a member of the New Jersey State Bar, Federal Bar, and the Camden County Bar. Mr. O'Brien received his J.D. from Rutgers-Camden University School of Law in 1995. Mr. O'Brien has participated in ICLE seminars such as "Nuts and Bolts of Federal Practice" and others. Other positions held with the Court are Manager of the Camden vicinage and Courtroom Deputy for Judges in Trenton and Camden.

ATTACHMENT 1

**THE TEN COMMANDMENTS OF HANDLING FEDERAL CIVIL
PRO BONO ASSIGNMENTS**

by Lawrence S. Lustberg, Esq.

- 1. EXPLORE CONFLICTS BUT DO NOT LIGHTLY DISQUALIFY YOURSELF.**
- 2. STAFF THE CASE IN A WAY THAT MAXIMIZES THE UNIQUE EXPERIENCE THAT IT AFFORDS.**
- 3. AMEND THE COMPLAINT TO FOCUS ON MERITORIOUS CLAIMS.**
- 4. MEET THE CLIENT.**
- 5. TALK TO THE DAG.**
- 6. UNDERSTAND IMMUNITY (AND THE 11th AMENDMENT).**
- 7. FRAME THE CASE FOR LEGAL RESOLUTION.**
- 8. PURSUE REAL DISCOVERY.**
- 9. THINK EXPERTS!**
- 10. SERIOUSLY CONSIDER SETTLEMENT.**

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ATTACHMENT 2A

Representing Incarcerated Persons
in 42 U.S.C. § 1983 Actions

Susan M. Scott, Deputy Attorney General

How to Locate Your Incarcerated Client

- The Department of Corrections has an Offender Search Engine, https://www6.state.nj.us/DOC_Inmate/inmatefinder?i=1, which you can use to find out where your client is incarcerated.
 - A good place to start
 - A few exceptions
 - Very Recent moves
 - Out-of-state Inmates
 - Civilly Committed Sex Offenders

Requesting a Call or Visit With Your Client

- Governing Regulations:
 - N.J.A.C. 10A:6-2.8 Legal Telephone Calls
 - N.J.A.C. 10A:18-1.4 Forms
 - N.J.A.C. 10A:18-6.3 Approval of Potential Visitors
 - N.J.A.C. 10A:18-6.7 Attorneys and Court Related Personnel Visits
 - N.J.A.C. 10A:18-6.9 Notification to Prospective Visitors
 - N.J.A.C. 10A:18-8.6 Legal Telephone Calls

Requesting a Call or Visit With Your Client

- Fill out the Appropriate Form (A copy of the form is in your materials).
- Submit your request to the Attorney-Client Contact at the specific institution where your client is assigned. (A list of those contacts are provided in your materials).
 - Each institution has its own procedures and schedules for attorney-client visits or calls.

Requesting a Call or Visit With Your Client

- Request must be submitted to the proper contact 24 hours in advance of the intended visit.
- The request must include:
 - Name of attorney or attorney representative,
 - Name of inmate to be interviewed,
 - Name of attorney for whom the representative is acting;
 - Name of the organization the attorney or their representative represents (if any);
 - A written statement from the attorney or their representative providing any disclosures set forth in N.J.A.C. 10A:18-6.3 and 6.9 and affirming compliance with the provisions set forth in N.J.A.C. 10A:18-6; and
 - Date and time of the requested interview.

Considerations When Visiting Your Client

- Bring identification.
- There are security concerns at every correctional facility. Be familiar with them or be flexible.
- Be patient. There are daily occurrences at each correctional institution that may impact the availability of your client.
- Dress appropriately.
- Materials may not be exchanged between yourself and your client. You may not leave anything with your client.
- Leave your cell phone in the car.

Video Teleconferences With Your Client

- Some institutions have this capability. See the Department of Corrections' website, <http://njdoc.gov/pages/VideoConference.html>
- There is a list of contacts for each of the participating institutions, [http://njdoc.gov/pdf/vtc_information/Coordinators_\(NJ_State_Prisons\).pdf](http://njdoc.gov/pdf/vtc_information/Coordinators_(NJ_State_Prisons).pdf) (The list is also provided in your materials.)

BASIC PRINCIPLES OF SECTION 1983 LITIGATION

Karen M. Blum, Suffolk University Law School
<http://www.njd.uscourts.gov/atty/3dCirbasics.pdf>

- | | |
|---|---|
| I. Direct v. Vicarious Liability | IX. State-of-Mind Requirement: Depends on the Right in Question |
| II. Under Color of Law | A. 4th/8th/14th Amendment Claims |
| III. Individual Capacity v. Official Capacity Suits | B. Note on "Deliberate Indifference" |
| IV. Supervisory Liability v. Municipal Liability | 1. City of Canton |
| V. Local Government Entities Have No Qualified Immunity From Compensatory Damages But Absolute Immunity From Punitive Damages | 2. Statutory vs. Constitutional Standard |
| VI. Local Governments Have No Eleventh Amendment Immunity/State Immunities Not Applicable | 3. Jail suicide cases |
| VII. Ethical Concerns for Government Attorneys | C. Note on "Shocks the Conscience" |
| VIII. States Are Not "Persons" Under Section 1983 | D. Derivative Nature of Entity Liability |
| | X. No Exhaustion Requirement/Qualifications |
| | A. PLRA |
| | B. Heck v. Humphrey |
| | C. Procedural Due Process Claims |
| | D. Note on Sandin v. Conner |

Initial Considerations

- Possible amendments to the Complaint
 - Pursuant to 42 U.S.C. § 1997(e), inmates are required to exhaust administrative remedies prior to filing a 42 U.S.C. § 1983 suit if they were incarcerated at the time they filed the Complaint. Complaint is barred if the inmate did not do so.
 - A claim asserted under § 1983 cannot be based upon a theory of respondeat superior. Does the Complaint state a basis for supervisory liability?
 - State entities and individuals, in their official capacities, are not "persons" amenable to suit under § 1983 and are entitled to 11th Amendment immunity on claims for money damages.

Depositions

- Of Incarcerated Individuals
 - Need to seek leave from the Court to depose an inmate Plaintiff. Fed. R. Civ. P. 30(a). In addition to being required by the Court, the state prison facilities require a court order allowing the attorneys and court reporter to enter the facility with the necessary equipment to take the deposition of any inmate.
- Of Other Individuals Within a Correctional Facility
 - Such as Officers, Civil Staff, etc.
 - Talk with the Deputy handling the case
 - These depositions may or may not be taken at the correctional facility
 - Limit Background Questions avoid home address, personal questions, education institutions

Case Resolution

- The State does not have deep pockets.
- Be creative in proposing resolutions.
- Talk to the Deputy assigned to the matter regarding possible resolution.
- Send a settlement demand letter.

ATTACHMENT 2B



NEW JERSEY ADMINISTRATIVE CODE
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*** THIS FILE INCLUDES ALL REGULATIONS ADOPTED AND PUBLISHED THROUGH THE ***
*** NEW JERSEY REGISTER, VOL. 43, NO. 17, SEPTEMBER 6, 2011 ***

TITLE 10A. CORRECTIONS
CHAPTER 18. MAIL, VISITS AND TELEPHONE
SUBCHAPTER 6. VISITS

N.J.A.C. 10A:18-6.7 (2011)

§ 10A:18-6.7 Attorneys and court related personnel visits

(a) Attorneys licensed in any jurisdiction and representatives of attorneys shall be permitted contact visits during regular business hours when sufficient space and staff are available.

(b) At the request of the attorneys referenced in (a) above, representatives of attorneys may be granted contact visits. Such representatives shall include, but not be limited to, the following:

1. Investigators;
2. Investigative aides;
3. Expert witnesses;
4. Paralegals; and
5. Law students.

(c) A written notice or a telephone request from an attorney shall be required a minimum of 24 hours in advance of an intended visit. The purpose of the advance notice is to ensure the availability of:

1. Space;
2. Staff; and
3. The inmate.

(d) The advance written notice or telephone request from an attorney shall include the following information:

1. Name of the attorney or representative;
2. Name of the inmate to be interviewed;
3. Name of the attorney for whom the representative is acting;
4. Name of the organization the attorney or their representative represents (if any);
5. A written statement from the attorney or their representative providing any disclosures set forth in N.J.A.C. 10A:18-6.3 and 6.9 and affirming compliance with the provisions set forth in this subchapter; and
6. Date and time the interview is sought.

(e) Form 292-I Request for Attorney-Client Contact Visit may be used to verify the inmate's desire to meet with the requesting attorney in the context of an attorney-client relationship.

N.J.A.C. 10A:18-6.7

(f) Appropriate identification is required of attorneys and attorney representatives who visit the inmate at a correctional facility.

(g) Contact visits with attorneys or their representatives may be restricted or prohibited when, in the judgement of the correctional facility Administrator or designee, the inmate is exhibiting inappropriate behavior or is especially dangerous, or when necessary to ensure the safe, secure and orderly operation of the correctional facility. Contact visits may also be denied where the attorney or representative poses a threat to the security or orderly operation of the correctional facility.

(h) In those cases in which contact visits have been denied, every effort shall be made to provide a non-contact visit that is consistent with the safe, secure and orderly operation of the correctional facility.

(i) The Administrator or designee may authorize a visit without prior written notice, under exceptional circumstances.

HISTORY:

Amended by R.1991 d.155, effective March 18, 1991.

See: 23 N.J.R. 14(a), 23 N.J.R. 859(c).

Added "licensed in any jurisdiction" to modify "attorneys"; added new subsection (e) regarding forms.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Amended by R.2002 d.407, effective December 16, 2002.

See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

In (g) and (h), substituted "Administrator" for "Superintendent".

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

Section was "Attorneys and court related personal visits". In the introductory paragraph of (b), inserted a comma following "to"; added new (b)3; and recodified former (b)3 and (b)4 as (b)4 and (b)5.

Amended by R.2009 d.208, effective July 6, 2009.

See: 41 N.J.R. 954(a), 41 N.J.R. 2659(a).

Rewrote the introductory paragraph of (b); in the introductory paragraph of (c), inserted "a" preceding "telephone request" and inserted "a minimum of"; in the introductory paragraph of (d), substituted "The advance written" for "Advance" and inserted "or telephone request from an attorney"; in (d)3, deleted "and" from the end; added new (d)4 and (d)5; recodified former (d)4 as (d)6; in (g), substituted "exhibiting inappropriate behavior" for "acting out", inserted ", or when necessary to ensure the safe, secure and orderly operation of the correctional facility" and recodified the former last sentence as new (h); recodified former (h) as (i); and in (h), inserted "that is" and "safe, secure and".

NOTES:

Chapter Notes

ATTACHMENT 2C



State of New Jersey
DEPARTMENT OF CORRECTIONS



REQUEST FOR ATTORNEY - CLIENT CONTACT VISIT
[SOLICITUD PARA UNA VISITA DE CONTACTO ENTRE ABOGADO Y CLIENTE]

Please Print or Type [Sirvase usar letra de molde o máquina de escribir]

_____ **Correctional Facility** [Institución de Corrección]

Name of inmate: _____ Number _____
[Nombre del confinado] [Número]

I, the above inmate, am requesting the approval of a contact visit with the attorney/attorney representative named below in the context of an attorney-client relationship.
[Yo, el confinado arriba mencionado, solicito la aprobación de una visita de contacto con el abogado/representante del abogado que se menciona más abajo en el contexto de la relación entre abogado y cliente.]

Date _____ Signature of inmate _____
[Fecha] [Firma del confinado]

Attorney/Attorney Representative Information
[Información sobre el Abogado/Representante del Abogado]

Name _____ Office telephone _____
[Nombre] [Teléfono profesional]

Business Address _____
[Dirección profesional]

Approved Disapproved

Reason(s) for disapproval: _____

Printed name of Administrator or designee _____ Date _____

Signature of Administrator or designee _____

ATTACHMENT 2D



State of New Jersey
DEPARTMENT OF CORRECTIONS

FORM 293-I
Eff. 3/2009
N.J.A.C.
10A:18-6.7
Page 1 of 1

ATTORNEY/COURT RELATED PERSONNEL VISIT REQUEST

Part I: To be completed by Attorney/Attorney Representative (Type or Print)

1. _____
Correctional Facility Date and Time of this request

2. _____
Full Name of Attorney Address

3. _____
Full Name of Representative of Attorney Address

4. _____
Name of Organization Address

5. _____
Name and Number of Inmate to be interviewed
6. _____
Date and time the interview is sought

7. Are you related to any inmate in this or any other NJ DOC Facility? Yes No
If yes, please provide inmate name and relationship: _____

8. Have you ever been convicted of a criminal offense as an adult? Yes No
If yes, please provide the offense, disposition and current status information: _____

9. Are you currently, or have you ever been on adult probation or parole? Yes No
If yes, please explain: _____

10. Are you currently a volunteer, employee or former employee of the Department of Corrections or any other law enforcement agency? Yes No
If yes, please explain: _____

Part II: To be affirmed and signed by Attorney/Attorney Representative

To the best of my knowledge, the information provided above is truthful and accurate. I fully understand that I must comply with the visit rules at N.J.A.C. 10A:18-6. I understand that electronic communication devices are prohibited where indicated and within secure perimeters of all correctional facilities and that I am subject to N.J.S.A. 2C:29-10. I understand that falsification of the information provided herein may result in my visit privilege being terminated and that I may be banned from visiting an inmate committed to the custody of the New Jersey Department of Corrections.

Signature of Attorney or Representative of an Attorney Date

Part III: To be completed by Administrator or Designee

- Visit Request APPROVED for _____ and _____
Date Time
- Visit Request DISAPPROVED because: _____

Printed Name of Administrator/Designee Signature Date

c: Administrator, Attorney, Inmate File

ATTACHMENT 2E

DEPARTMENT OF CORRECTIONS ATTORNEY – CLIENT CONTACTS

INSTITUTION MAIN #	LOCATION	ADMINISTRATOR	ADMINISTRATION PHONE/FAX
<p>Adult Diagnostic and Treatment Center (ADTC) (732) 574-2250</p>	<p>Avenel, N.J. Middlesex Co.</p>	<p>Meg, Yatauro, Administrator Stephen D'Illico, Associate Administrator Steven Johnson, Assistant Superintendent Robert Chetirkin, Assistant Superintendent</p> <p>Legal Liaison: Edward Wilenski, Executive Assistant Attorney Visits: Janice Rodriguez, Secretary</p> <p>Hours: 9am - 11am and 1pm - 3pm</p>	<p>(732) 669-8039 (732) 574-2257 (fax) (723) 669-8005 (732) 669-8008</p>
<p>Albert C. Wagner Youth Correctional Facility (ACW/CF) (609) 298-0500</p>	<p>Bordentown, N.J. Burlington Co.</p>	<p>Al Kandell, Administrator Robert Buechle, Associate Administrator Lisa R. Easley, Assistant Superintendent</p> <p>Legal Liaison: Cristobal Rodriguez, Executive Assistant Attorney Visits: Patricia Mierzejewski, Secretary</p> <p>Hours: contact institution</p>	<p>(609) 291-1602 (609) 298-3639 (fax) (609) 291-1620 (609) 291-1625</p>
<p>Central Reception and Assignment Facility (CRAF) & Jones Farm (609) 984-6000</p>	<p>Trenton, N.J. Mercer Co.</p>	<p>Evelyn Davis, Administrator Derick Loury, Associate Superintendent Lisa Schoffeld, Assistant Superintendent</p> <p>Legal Liaison: Samuel Howells, Administrative Analyst</p> <p>Hours: contact institution /see schedule (includes Jones Farm)</p>	<p>(609) 984-2691 (609) 984-2703 (fax) (609) 984-2695 (609) 777-8374 (fax)</p>

**DEPARTMENT OF CORRECTIONS
ATTORNEY – CLIENT CONTACTS**

<p>East Jersey State Prison (EJSP) (732) 499-5010</p>	<p>Woodbridge, N.J. Middlesex Co.</p>	<p>Beverly Hastings, Administrator Cindy Sweeney, Associate Administrator Charles Davis, Assistant Superintendent Robert LaForgia Assistant Superintendent</p> <p>Legal Liaison: Robert LaForgia Assistant Superintendent</p> <p>Hours: 9am -1:30pm</p>	<p>(732) 396-2727 (732) 815-1468 (fax) (732) 499-5010 ext 2612</p>
<p>Edna Mahan Correctional Facility for Women (EMCFW) (908) 735-7111</p>	<p>Clinton, N.J. Hunterdon Co.</p>	<p>William Hauck, Administrator Richard Salvatore, Associate Administrator Helen Adams, Assistant Superintendent</p> <p>Legal Liaison: Richard Salvatore, Associate Administrator Linda Hausold, Executive Assistant</p> <p>Hours: 8:30am -10:30am and 12:30pm -3:30pm</p>	<p>(908) 735-3600 (908) 735-5246 (fax) (908) 735-3601 (908) 735-3607</p>
<p>Garden State Youth Correctional Facility (GSYF) (609) 298-6300</p>	<p>Yardville N.J. Burlington Co.</p>	<p>Bernard Goodwin, Administrator Vacant, Associate Administrator Joseph Knowles, Assistant Superintendent</p> <p>Legal Liaison: Kenneth Rozov, Executive Assistant Attorney Visits: Administrative Secretaries</p> <p>Hours: Mon. – Fri. – one hour increments</p>	<p>(609) 298-6300 ext 2200 (609) 298-3135 (fax) (609) 292-6300 ext 2008 (609) 298-6300 ext 2207</p>

**DEPARTMENT OF CORRECTIONS
ATTORNEY – CLIENT CONTACTS**

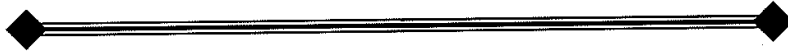
<p>Mid-State Correctional Facility (MSCF) Annex to CRAF (609) 723-4221</p>	<p>Fort Dix, NJ Burlington Co.</p>	<p>Joseph Wyers, Assistant Superintendent Bernard Kennedy, Captain In Charge Legal Liaison: Jennifer Coluccio, PDS Emory Griffin, Executive Assistant Hours: contact institution (also see CRAF)</p>	<p>(609) 723-8650 (609) 723-8271 (fax) (609) 292-3082 (609) 723-4221 ext 8231</p>
<p>Mountainview Youth Correctional Facility (MYCF) (908) 638-6191</p>	<p>Annandale N.J. Hunterdon Co.</p>	<p>Angel Santiago, Administrator Sherry Jones, Associate Administrator Samuel Wise, Assistant Superintendent Legal Liaison: Samuel Wise, Assistant Superintendent Donna Vitello, Secretary Hours: 8am - 4pm</p>	<p>(908) 638-7601 (908) 638-4423 (fax) (908) 638-7623 (908) 638-6191</p>
<p>New Jersey State Prison (NJSP) (609) 292-9700</p>	<p>Trenton, N.J. Mercer Co.</p>	<p>Charles Warren, Administrator Vacant, Associate Administrator Jimmy Barnes, Assistant Superintendent William Anderson, Assistant Superintendent Legal Liaison: Brenda Hutton, Executive Assistant Hours: 8:30am - 4pm</p>	<p>(609) 341-4601 (609) 777-1203 (fax) (609) 341-4606</p>

**DEPARTMENT OF CORRECTIONS
ATTORNEY – CLIENT CONTACTS**

<p>Northern State Prison (NSP) (973) 465-0068</p>	<p>Newark, N.J. Essex Co.</p>	<p>Paul Lagana, Administrator Valerie Arthur, Associate Administrator Frank Pedalino, Assistant Superintendent Patrick Nogan, Assistant Superintendent Legal Liaison: Mario Viera, Executive Assistant Hours: contact institution</p>	<p>(973) 578-2021 (973) 589-7454 (fax) (973) 465-0068 ext 4207/4309</p>
<p>Southern State Correctional Facility (SSCF) (856) 785-1300</p>	<p>Delmont, N.J. Cumberland Co.</p>	<p>C. Ray Hughes, Administrator Amadu Jalloh, Associate Administrator David Metelow, Assistant Superintendent Legal Liaison: Jeffrey Beebe, Executive Assistant Attorney Visits: Joan Graiser, Secretarial Assistant Hours: 9am -12pm and 1pm - 4pm</p>	<p>(856) 785-6601 (856) 785-0258 (fax) (856) 785-6636 (856) 785-1300 ext 6247</p>
<p>South Woods State Prison (SWSP) (856) 459-7000</p>	<p>Bridgeton, N.J. Cumberland Co.</p>	<p>Christopher Holmes, Administrator Vacant, Associate Administrator James Haas, Assistant Superintendent Judith Gentilini, Assistant Superintendent Legal Liaison: Linda Linen, PDS Hours: contact institution</p>	<p>(856) 459-7012 (856) 459-7140 (fax) (856) 459-7012/7010</p>

ATTACHMENT 2F

**CENTRAL RECEPTION and ASSIGNMENT FACILITY
CONTACT VISIT PROGRAMS
VISIT INFORMATION**



This handout is being made available to inmates and their prospective visitors to serve as a guide for them in our Contact Visit Programs at CRAF and Jones Farm. While every effort has been made to address all issues concerning your involvement in these programs, you should understand that staff may be required and are authorized to alter any instruction contained in this guide in emergent situations. You will be required to follow the instructions of staff at all times.

Only five persons [including children] are allowed per inmate per visit.

SCHEDULES

CRAF			
DAY	CELLS	REGISTRATION	VISIT TIME
MONDAY	1 – 21	7:00-7:30 p.m.	7:30-9:00 p.m.
TUESDAY	22-42	7:00-7:30 p.m.	7:30-9:00 p.m.
WEDNESDAY	1 – 21	7:00-7:30 p.m.	7:30-9:00 p.m.
FRIDAY	22-42	7:00-7:30 p.m.	7:30-9:00 p.m.
SUNDAY	1 - 10	10:00-10:30 a.m.	10:30-12:00 p.m.
❖	22-31		
SUNDAY	11-21	12:30-1:00 p.m.	1:00-2:30 p.m.
❖	32-42		
*****		*****	*****
JONES FARM			
DAY		REGISTRATION	VISIT TIME
MONDAY		4:30-5:00 p.m.	5:00-6:30 p.m.
TUESDAY		6:30-7:00 p.m.	7:00-8:30 p.m.
WEDNESDAY		4:30-5:00 p.m.	5:00-6:30 p.m.
THURSDAY		6:30-7:00 p.m.	7:00-8:30 p.m.
❖ SUNDAY		3:30-4:00 p.m.	4:00-5:30 p.m.

- ❖ These are Incentive Visit Periods and must be approved prior to the visit taking place. Visitors are reminded not to report to the facility unless the inmate has contacted them with a confirmation of this approval. It is the inmate's responsibility to communicate this approval to their prospective visitors.

Visitors are encouraged to arrive at the facilities well within the above registration times to avoid being denied their visit. Registration periods will not be extended.

Registration for all visit periods except Incentive Visits will be on a first-come, first-serve basis.

IDENTIFICATION

The following are the *only* forms of identification that will be accepted from adult visitors for our Contact Visit Program:

1. A current photo driver's license.
2. A current photo Welfare/Medicaid card.
3. An employment photo I.D. card.
4. A current Passport.
5. A Joint Connection photo I.D. card.

You must bring your approved I.D. with you when you re-enter the CRAF facility at the gate after registering. This I.D. may then be secured into the locker provided for you after you have been identified the second time. At Jones Farm you will remain in possession of your I.D.

PERMITTED ITEMS

The following are the only items that will be permitted into the Visit Halls:

1. One handkerchief [both locations].
2. A locker key [at CRAF].
3. Your personal keys [at Jones Farm only].
4. Your approved I.D. [at Jones Farm only].
5. One diaper or pampers [both locations].
6. A sealed travel size pack of baby wipes or one small [dry] wash rag [both locations].
7. One baby receiving blanket [both locations].
8. Two plastic baby bottles [both locations].
9. An approved outer garment [must be worn at all times and removed during search] [both locations].

Note: Items 5 through 8 are allowed only if you are traveling with an infant [both locations].

ATTIRE

- ❖ The New Jersey Department of Corrections is a professional governmental organization. As such, the wearing of suggestive, revealing or otherwise inappropriate attire is strictly prohibited, as the visit area is a family focused environment. The proper wearing of shoes and shirts/blouses is regarded as a precondition of admission.

The following types of apparel, if worn by a visitor (adult or child), will result in the denial of a visit:

- See-through (transparent) or spaghetti-strap type garments.
- Tube/tank top athletic shirts, halter-tops, or fishnet clothing (regardless of gender).
- Shirts or jerseys that expose midriff area, shoulders and significant portion of the torso, or extremely low-cut blouses, shirts, shirts or pants such as low rise, hiphuggers, etc.
- Shorts above the mid-thigh level (inseam length).
- Skirts more than three inches above the top of the knee.
- Spandex clothing (formfitting or skintight), such as aerobic and/or jogging attire.
- Clothing exposing undergarments or a portion of the body considered sexual in nature.
- Otherwise clearly inappropriate attire as determined by the Department of Corrections staff on duty. These may include, but are not limited to: military style clothing worn by persons not in active military service, clothing closely resembling those issued to inmates or resembling uniforms worn by Corrections Officers, clothing having offensive satanic, radical, security threat, sexually oriented or illegal act of worship, such as narcotic references.
- These requirements shall be strictly enforced.

CONDUCT

IN ACCORDANCE WITH N.J.A.C. 10A:18-6.14, ALL VISITORS, THEIR BELONGINGS, AND VEHICLES ARE SUBJECT TO SEARCHES WHILE ON THE PREMISES OF A FACILITY UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS.

VISITORS REFUSING TO SUBMIT TO A SEARCH WILL BE DIRECTED TO LEAVE THE PREMISES AND WILL LOSE VISIT PRIVILEGES FOR A SPECIFIED PERIOD OF TIME.

THE NEW JERSEY DEPARTMENT OF CORRECTIONS MAINTAINS A ZERO TOLERANCE DRUG/ALCOHOL POLICY. A VIOLATION OF THIS POLICY MAY CAUSE A VISITOR TO BE BANNED PERMANENTLY FROM OUR VISIT PROGRAM AND BE SUBJECT TO CRIMINAL PROSECUTION.

Conduct at both of our locations is of the utmost importance to us. As with the issue of attire, the Visit Supervisor will make the final determination on all matters relating to conduct. To help us ensure a pleasant environment for your visit period, please observe the following:

1. An adult within the following categories must accompany all persons under the age of 18: Parent, Legal Guardian, Spouse, Child, Sibling, Grandparent, Cousin, Aunt, Uncle, Close Friend or Clergy.
2. Children's conduct is the responsibility of the adult. Please ensure that they remain seated and, within reasonable limits, quiet while in the Visit Hall. Toys, books and whatever items have been provided for their use will be made available to you to assist you in this task. Note that you (the adult visitor) are responsible to supervise your child(ren) as they use this equipment.
3. Their adult guardian must escort children to the restrooms. They may not wander unattended anywhere in the Visit Hall.
4. Within tasteful limits, embracing and kissing will be permitted at the beginning and at the end of the visit period. At all other times, the only contact permitted will be holding hands. This rule does not apply to young children.
5. Leg straddling or lap sitting will not be permitted.
6. Visitors and inmates will remain seated during the visit.
7. Chairs will not be re-arranged by visitors or inmates.
8. All rules addressing conduct and attire will also apply on those days that visits are held outdoors (Jones Farm only). Visitors and inmates will remain seated at all times. No one will be permitted to sit on the ground or wander throughout the grounds during visits.
9. In consideration of others, the noise level will be kept at a minimum.
10. Visitors or inmates will not offer or receive any type of property or services during visits such as jewelry, signatures, etc. All transactions (tangible or otherwise) must be arranged through proper channels. No soliciting of any type will be permitted in the Visit Hall.
11. Smoking is not permitted during visits at CRAF or Jones Farm.

MONETARY GIFTS TO INMATES

Visitors may bring monetary gifts to inmates in the form of a money order or certified check only. Cash will not be accepted. These gifts are to be surrendered to the Visit Officer. They must contain the inmate's name and SBI number as well as the name of the person giving the gift. Blank money orders will not be accepted. A receipt will be issued to the visitor bringing the gift.

CONTACT PHONE NUMBERS

Central Reception and Assignment Facility P.O. Box 7450
Trenton, New Jersey 08625 609-984-6000

Jones Farm P.O. Box 7100
West Trenton, New Jersey 08628 609-530-4082

**DIRECTIONS TO CENTRAL RECEPTION and
ASSIGNMENT FACILITY [CRAF]**

FROM NORTH OR SOUTH JERSEY

Take the New Jersey Turnpike to exit 7A and take Route 195 West towards Trenton. Route 195 West will become 29 North. Follow Route 29 North to Sullivan Way and turn right. Bear left after this right turn to remain on Sullivan Way towards the Trenton Psychiatric Hospital grounds. Turn right onto these grounds approximately $\frac{3}{4}$ of a mile. Follow signs to CRAF [Central Reception and Assignment Facility] after entering grounds.

FROM CENTRAL OR EAST JERSEY

Take Route 195 West towards Trenton. Route 195 West will become 29 North. Follow Route 29 North to Sullivan Way and turn right. Bear left after this right turn to remain on Sullivan Way towards the Trenton Psychiatric Hospital grounds. Turn right onto these grounds approximately $\frac{3}{4}$ of a mile. Follow signs to CRAF [Central Reception and Assignment Facility] after entering grounds.

FROM PENNSYLVANIA

Take Route 95 towards the Scudders Falls Bridge and exit at Exit 1. Follow Route 29 South to Sullivan Way and turn left. Bear left again to remain on Sullivan Way towards the Trenton Psychiatric Hospital grounds. Turn right onto these grounds approximately $\frac{3}{4}$ of a mile. Follow signs to CRAF [Central Reception and Assignment Facility] after entering grounds.

FROM ROUTE 295

Take Route 295 North. Route 295 North will become Route 95 South towards Pennsylvania. Take Route 95 South and exit at Exit 1. Follow Route 29 South to Sullivan Way and turn left. Bear left again to remain on Sullivan Way towards the Trenton Psychiatric Hospital grounds. Turn right onto these grounds approximately $\frac{3}{4}$ of a mile. Follow signs to CRAF [Central Reception and Assignment Facility] after entering grounds.

**LATE ARRIVALS ARE NOT PERMITTED! PLEASE ARRANGE
TO ARRIVE WITHIN THE POSTED REGISTRATION TIMES!
THANK YOU.**

DIRECTIONS TO JONES FARM

FROM NORTH OR SOUTH JERSEY

Take the New Jersey Turnpike to exit 7A and take Route 195 West towards Trenton. Route 195 West will become 29 North. Follow Route 29 North to Route 95 North [this is not the NJ Turnpike] and exit at Exit 2. Bear right at the exit towards the Mercer County Airport. Turn right into the first property onto Jones Farm.

FROM CENTRAL OR EAST JERSEY

Take Route 195 West towards Trenton. Route 195 West will become 29 North. Follow Route 29 North to Route 95 North [this is not the NJ Turnpike] and exit at Exit 2. Bear right at the exit towards the Mercer County Airport. Turn right into the first property onto Jones Farm.

FROM PENNSYLVANIA

Take Route 95 towards the Scudders Falls Bridge and exit at Exit 2. Bear right at the exit towards the Mercer County Airport. Turn right into the first property onto Jones Farm.

FROM ROUTE 295

Take Route 295 North. Route 295 North will become Route 95 South towards Pennsylvania. Take Route 95 South and exit at Exit 2. Turn right at the exit towards West Trenton/Mercer County Airport. Turn right into the first property after the first traffic light onto Jones Farm.

.....

Visitor parking is the first lot on the right. The Visit Hall is the building closest to that parking lot. All other areas are restricted.

.....

Note: Located on our property is an enormous water tower painted light blue.

EARLY OR LATE ARRIVALS ARE NOT PERMITTED!
PLEASE ARRANGE TO ARRIVE WITHIN THE POSTED
REGISTRATION TIMES! THANK YOU.

ATTACHMENT 2G

*Videoconferencing Sites
NJ State Prisons*

<i>State Prison (New Jersey)</i>	<i>VTC Coordinator</i>	<i>Telephone</i>	<i>VTC Room Phone</i>	<i>Fax Requests</i>	<i>Fax (VTC Booth)</i>
Albert C. Wagner Youth Correctional Facility (A.C.W.Y.C.F.)	Joan Mayer Earl Fullon Cristobal Rodriguez	609-291-1610 609-291-1603 609-291-1620	N/A N/A	<u>609-298-2172</u>	609-298-1749 (Main) 609-324-8395 (Ad Seg)
Averel Diagnostic & Treatment Center (A.D.T.C.)	Warren Murray Ila Kandar	732-574-2250 x8587 732-574-2250 x8032	N/A	<u>732-382-8912</u>	732-574-9167 (Main)
Averel Diagnostic & Treatment Center (A.D.T.C. - S.T.U. Annex)	Sgt. Andrews Sgt. Qualls	732-499-5399 732-499-5399	N/A	<u>732-499-5459</u>	N/A
Averel Diagnostic & Treatment Center (A.D.T.C. - S.T.U.)	Steven Johnson Debbie Maloney	732-669-8002 732-815-4893	N/A	<u>732-574-2257</u>	N/A
Bayside State Prison (B.S.P.)	Michele Hares James Duch	856-785-0040 x5228 856-785-0040 x5264	856-785-0040 x5522 (VTC Booths 1 & 2)	<u>856-785-2559</u>	856-785-8021 (Booth 1) 856-785-9460 (Booth 2) 856-785-0205 (Farm)
Central Reception & Assignment Facility (C.R.A.F.)	Samuel Howells David Hardrick Tammy Bordynowski	609-777-5738 609-984-2695 609-777-5739	609-393-5023	<u>609-777-8369</u>	609-392-5176 (Main)
East Jersey State Prison (E.J.S.P.)	Serena Jones Jane Newby-Jones	732-396-2703 732-396-2701	732-499-5625 (Main) 732-815-4812 (Ad. Seg.)	<u>732-499-5409</u> <u>732-499-5390</u>	732-499-0817 (Main) 732-396-0371 (Ad Seg)
Edna Mahan Correctional Facility for Women (E.M.C.F.W.)	Ariene Virari Richard Salvatore	908-735-3611 908-735-3601	908-735-2009 (EMH 1) 908-735-7495 (EMH 2) 908-730-6805 (Max Unit)	<u>908-735-2384</u>	908-735-8659 (EMH 1) 908-735-4826 (EMH 2) 908-735-6183 (Max Unit)
Garden State Youth Correctional Facility (G.S.Y.C.F.)	Kenneth Rozov Marybeth Sellnow Abel Espada Edwin Lopez	609-291-2008 609-291-2012 609-298-6300 x2225 609-291-2002	609-298-6300 x2463 (Both VTC Booths)	<u>609-298-1854</u>	609-298-1800 (Booth 1) 609-298-3846 (Booth 2)
Jones Farm (C.R.A.F. Satellite Unit)	Angelo Etizzo Officer J. Maloney	609-530-3492 609-530-8789	N/A	<u>609-530-3583</u>	N/A

Videoconferencing Sites
NJ State Prisons

<u>State Prison (New Jersey)</u>	<u>VTC Coordinator</u>	<u>Telephone</u>	<u>VTC Room Phone</u>	<u>Fax Requests</u>	<u>Fax (VTC Booth)</u>
Mid-State Correctional Facility (M.S.C.F.)	Angelique McLane Elizabeth DiBenedetto Sharon Williams Dayna Wikowski	609-723-8698 609-723-4221 x8441 609-723-4221 x8440 609-723-4221 x8453	N/A	609-723-5372 609-723-8271	609-267-2808 (Main)
Mountainview Youth Correctional Facility (M.Y.C.F.)	Geri Dilis Allen Trach	908-638-7650 908-638-6191 X7258	N/A N/A	908-638-6373	N/A N/A
New Jersey State Prison (N.J.S.P.)	Narissa Cruz-Serrano Cherice Blair Frank Bruno Carolyn Dunn	609-341-4809 609-292-9700 x4342 609-341-4805 609-341-4803	609-394-1814 (Booth 1) 609-394-3634 (Booth 2)	609-777-1203	609-394-8496 (Booth 1) 609-984-6899 (Booth 2)
Northern State Prison (N.S.P.)	Wanda Carrero Michelle Valenzuela Marta Rueda Olga Romero	973-465-0068 x4337 973-465-0068 x4890 973-465-0068 x4202 973-578-2021 x4204	N/A	973-589-7454	973-465-8481 (Main) 973-589-3558 (Ad Seg) 973-589-3551 (Mln Unit)
Southern State Correctional Facility (S.S.C.F.)	Marlene Kirchner Kathleen Riegel	856-785-1300 x6211 856-785-6680	856-785-1300 x6247	856-785-1236	856-785-8100 (Booth 1) 856-785-0158 (Booth 2)
South Woods State Prison (S.W.S.P.)	Kersten Nesbitt Donna Tymkow	856-459-7015 856-459-7016	856-459-8984 (Booth 1) 856-459-8984 (Booth 2)	856-459-7140	856-459-8976 (Booth 1) 856-459-8970 (Booth 2) 856-459-8977 (Booth 3)

ATTACHMENT 3A

PRO BONO REPRESENTATION: A PRIMER

INTRODUCTION

For over one hundred years, the district courts have been authorized to request counsel to represent indigent litigants in non-frivolous actions. *See* 28 U.S.C. §1915(e). In reality what this means is that for over one hundred years, the courts have relied upon local attorneys to volunteer their ever more precious time on cases few attorneys would otherwise accept.

Although approximately 1,000 *pro se* cases are filed each year in New Jersey, the court appoints counsel in only about 10% of those cases. This is not because most cases lack merit, but rather because the court recognizes that volunteer lawyer time is an extremely valuable commodity. As such, the court has traditionally not appointed counsel under §1915(e) indiscriminately. A majority of the cases are constitutional, arising under federal and state civil rights acts, and brought by indigent, incarcerated litigants. The legal issues commonly involve the Fourteenth, Fifth, Fourth, and Eighth, and sometimes the First Amendments to the United States Constitution.

You may ask yourself why you would want to volunteer to take on a case so apparently fraught with complexity. Each such appointment contains many reasons for acceptance, ranging from the altruistic to the opportunistic. For the new lawyer just beginning a career, each case provides the opportunity to develop the skills necessary to be a successful attorney: everything from case strategy to discovery, from depositions to trial testimony, from conferences to hearings. Moreover, as the issues are most often of constitutional dimension, they are intellectually challenging. Such experience is frequently difficult to amass, especially for the new associate at a large law firm.

Also, and not to be underestimated, the judges greatly appreciate *pro bono* counsel's donation of time and energy. As a consequence, the judges will look favorably on you personally and typically give special consideration to any scheduling issues you may have throughout the pendency of the case.

Finally and most importantly, however, is the contribution you can make to our system of justice. Without effective representation on both sides, lawsuits can not be resolved efficiently and, often, fairly and justly. As officers of the court, there are few more significant contributions we can make both to the system and to individuals.

Thus, we encourage you to consider accepting a *pro bono* representation. To aid in this decision, as well as in the task, you will find below some general guidelines for *pro bono* representation and some sources for additional and more specific information.

PRETRIAL and TRIAL PROCESS

**MOST OF THE RULES AND FORMS DISCUSSED IN THIS SECTION
CAN BE FOUND ON THE WEB SITE OF THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY AT:**

<http://www.njd.uscourts.gov>

I. Discovery

Once appointed to represent a *pro se* litigant, the pretrial process is like any other case. Follow the Federal Rules of Civil Procedure (Rules 26 through 37) and the Local Civil Rules for the District of New Jersey (Rules 26.1 through 37.2) for interrogatories, document requests, depositions, and requests for admissions.

Keep in mind that if your client is in prison, leave of court must be obtained in order to take his or her deposition, as well as those of other prisoners who may be witnesses. See Fed. R. Civ. P. 30(a)(2).

Discovery disputes must first be brought to the Magistrate Judge's attention informally (*i.e.*, through telephone call or letter) before any formal discovery motion is filed. See Local Civil Rule 37.1.

The court will generally approve motions by an appointed attorney or stipulations designed to reduce discovery expenses, including taking depositions by other than use of stenographic transcript (*i.e.*, by telephone or tape recorder). See Local Civil Rules, Appendix H.8(a); Fed. R. Civ. P. 30(b)(7).

Video conferences are encouraged to reduce costs. The federal court is equipped with full video conferencing capabilities. Indeed, this court allows pro bono counsel to utilize the video conferencing facilities here at the courthouse for client interviews, as all State institutions, as well as FCI Fairton, have such capabilities. This can be a significant cost cutting measure for pro bono counsel. You may contact the Supervisor In-Court Activities in the appropriate vicinage to arrange a conference and reserve the video conferencing room.

In addition, an appointed attorney may apply to the judge during the litigation “or within a reasonable period thereafter for reimbursement of costs reasonably incurred in connection with the litigation, not including attorneys’ fees,” to be paid from the *Pro Bono* Fund and the Attorneys’ Admission Fee Account. Local Civil Rules, Appendix H.8.

A good resource for general directives on the pretrial process in federal court in Camden is *Basic Elements of Civil Practice in the Camden Vicinage*, written by many of the presently sitting judges, and available on the District Court's website, <http://www.njd.uscourts.gov/>, in the “Rules” directory.

II. Court Conferences

The appointed attorney will be expected to attend all scheduling and status conferences before the Magistrate Judge or District Judge. See Rule 16, Federal Rules of Civil Procedure, and Local Civil Rule 16.1 for directives on pretrial conferences. Because of the lay filing of the complaint, you may see additional causes of action or necessary amendment to the pleading. It is important to review the substance and procedural history of the case prior to attending your *first* conference with the judge, as it is at this conference that the judge and the other parties will be most amenable to requests for additional discovery time or an amendment to the pleadings.

For cases in which an attorney is appointed and the client is in prison, the court will generally try to accommodate requests to have proceedings in which the client is participating conducted by telephone, video conference, or other telecommunications technology without removing the prisoner from the facility. See Local Civil Rules, Appendix H.8(b).

The appointed attorney shall participate in any court-ordered settlement conferences and shall enter into good faith settlement negotiations. Obligations to the client during settlement negotiations are the same as those for any other case and are grounded in the Rules of Professional Conduct -- see specifically RPC 1.2 (Scope of Representation) and RPC 1.4 (Communication).

Bear in mind that all methods of alternative dispute resolution are also available, although not mandatory, in *pro bono* cases, and often provide a prompt and satisfactory resolution to the litigation.

III. Trial

In most of the cases to which attorneys are appointed to represent *pro se* litigants, the parties are entitled to and have requested a jury trial. Such a trial would proceed in accordance with Rules 38 through 53 of the Federal Rules of Civil Procedure and Local Civil Rules 48.1 and 48.2.

POST-TRIAL

I. Prevailing Party Fee Applications -- Otherwise Entitled, “What Fees and Costs May I Be Entitled To Collect?”

Under 42 U.S.C. §1988, in §1983 and all federal civil rights actions, “the court, in its discretion, may allow the prevailing party . . . a reasonable attorney’s fee as part of the costs.” The Prison Litigation Reform Act of 1995, as amended Pub. L. No. 104-134, 110 Stat. 1321 (1996), however, limits the extent to which an attorney representing a prevailing incarcerated litigant may be compensated. Specifically, the PLRA caps legal fees at 150% of the judgment amount, 42 U.S.C. §1997e(d)(2), and caps the hourly rate

for legal fees at 150% of the hourly rate payable to Criminal Justice Act counsel (currently \$90/hour for both in and out of court work), 42 U.S.C. §1997e(d)(3). Thus, the current hourly rate for appointed counsel in a civil case is capped at \$135.00. While the constitutionality of this limitation remains unresolved, the majority of the courts confronting the issue have found that the limitation passes constitutional muster. See Foulk v. Charrier, 262 F.3d 687, 703-04 (8th Cir. 2001) (collecting cases). The Third Circuit has not yet resolved the issue. See Collins v. Montgomery County Board of Prison Inspectors, 176 F.3d 679 (3d Cir. 1999) (en banc), cert. denied, 528 U.S. 1115 (2000) ((1) dividing equally on the issue of whether the limitation of the fees to 150% of the judgment is constitutional and, consequently, affirming the order of the district court to the extent that it upheld that provision and (2) declining to decide the constitutionality of the hourly rate limitation).

Federal Rule of Civil Procedure 54 requires a prevailing party to file a motion for attorneys' fees "no later than 14 days after entry of judgment," unless a statute or an order of the court modify the time. The Local Civil Rules modify the 14-day time requirement to 30 days and state that an attorney must file an affidavit with the motion.

The first step in determining whether a *pro bono* attorney representing a client in a civil rights action may recover a fee is to determine whether the plaintiff qualifies as a "prevailing party." To qualify as a prevailing party, the plaintiff must demonstrate that he or she received at least some relief on the merits of the claim. A party can be a prevailing party where a settlement is reached or where judgment is entered against him or her on certain elements of a claim, as long as some of the relief requested is obtained. Whether a plaintiff is a prevailing party is a question to be resolved by the court.

If he or she qualifies, the second step is the calculation of the "lodestar," which involves multiplying a reasonable hourly rate by the number of hours reasonably expended on the litigation. The fee applicant must prove, with satisfactory evidence, that both the requested fee and the hourly rate are reasonable. The district court has broad discretion in determining the amount of an award. The court can adjust the award as necessary based on the facts of each case. Where the rates or hours claimed seem excessive or lack the appropriate documentation, a court may calculate the award based on its own experience, knowledge, and observations.

Generally, the market rate prevailing in the relevant legal community will be the reasonable hourly rate. (Although for counsel representing an incarcerated person, the rate will be capped at \$135.00, see above). The court will usually take into consideration the attorney's skill, experience, and reputation and also the attorney's usual billing rate. The fee applicant has the burden of demonstrating that the requested rate is consistent with the rate in the prevailing legal market.

Counsel must exercise billing judgment. Thus, the attorney must exclude excessive, redundant and unnecessary hours from their fee, just as the lawyer would bill a client in private practice. The court will require adequate documentation of the appropriate number of hours billed. The court will exclude inadequately documented time.

Finally, the court will also determine whether it should adjust the lodestar to take into consideration items that have not yet been accounted for in the computation, including how the results obtained relate to the work performed and whether the attorney has had an inordinate delay in the receipt of a fee.

Costs are also recoverable to prevailing parties. Typically a clerical act completed by the Clerk pursuant to the general costs statute, 28 U.S.C. §1920, courts also have discretion to review the clerk's assessment of costs. Fed. R. Civ. P. 54(d)(1). You may include your application for costs with your §1988 application for attorneys' fees; however, separate rules apply to recovery of costs. The court's discretion to award costs is limited to those costs items allowed by statute. Thus, where §1920 does not provide for an item, counsel must supply the court with alternative statutory basis for that item. For example, pursuant to 28 USC §1821(b), costs for witnesses are not allowable in excess of \$40.00 per appearance. This limit applies to both fact and expert witnesses, *except* where the expert witness is court-appointed under 28 USC § 1920(6). See Crawford Fitting v. J.T. Gibbons, Inc., 482 U.S. 437 (1987). (This illustrates the importance of utilizing the opportunity to apply to the court for expert assistance.) The Civil Rights Act of 1991, amending, *inter alia*, 42 U.S.C. §1988, also affects the apportionment of costs, now permitting expert witness fees as taxable items to the prevailing party in suits arising under 42 USC § 1981 and §1981a. Moreover, suits brought under Title VII, 42 USC §2000e-5(k), amended in 1991, now allow expert witness fees, in addition to attorney's fees, as taxable items to the prevailing party. We mention the examples referenced here for your general information, this is not an exhaustive reference.

One last note, §1988 is available to both prevailing plaintiffs and prevailing defendants. A prevailing defendant may file a motion for fees against a prisoner proceeding *in forma pauperis*; however, the prisoner will most likely be judgment proof and, you will not be otherwise responsible for any outstanding fee judgment.

II. Post-trial, Appeals, Continuation of Representation

Unless an attorney is relieved from his or her appointment by the court in accordance with section 5 of Appendix H, the representation continues until the entry of final judgment and efforts are exuded to enforce the judgment. The last duty owed under an appointment by the district court is to file a notice of appeal with the Third Circuit, if the client wishes you to do so.

This is not to say that you may not continue to represent your client following the conclusion of the action before the district court. The matter may be remanded to an administrative forum, your client may wish to appeal, or your client's adversary may appeal. Under these circumstances, you are encouraged, but not required, to continue the representation. If you do choose to continue the representation through an appeal, the Third Circuit Administrative Funds guidelines include a provision of up to \$1,000 to reimburse out-of-pocket expenses of attorneys performing *pro bono* appellate services in civil cases.

TERMINATION OF REPRESENTATION

If you accept an appointment of counsel, you need not feel that you may not request a withdrawal from the case. A conflict of interest, for example, may develop during the course of the litigation. Appendix H.5. contains the grounds upon which such an application may be appropriate. You may make an *ex parte* request by letter to the Judge assigned to the litigation. See L. Civ. R., Appendix H.5.d. You also may choose to terminate the representation upon conclusion of the district court proceedings. In either event, when terminating the representation, you should take all steps that you would take with any other client to ensure that your client knows that you no longer represent him or her. With a *pro bono* representation, it would also be helpful to notify the court at the same time: copying the court on a client termination letter is a simple, effective way to accomplish this task.

rev. 4/05

ATTACHMENT 3B

Appendix H: Appointment of Attorneys in *Pro Se* Civil Actions

The following procedures shall govern the appointment of attorneys to represent *pro se* parties in civil actions who lack sufficient resources to retain counsel pursuant to 28 U.S.C. § 1915.

The following procedures shall not govern the appointment of attorneys to represent *pro se* petitioners seeking a writ of habeas corpus on the ground they are in custody in violation of the Constitution or laws or treaties of the United States pursuant to 28 U.S.C. § 2254, or to *pro se* petitioners moving to vacate, set aside or correct their sentences pursuant to 28 U.S.C. § 2255. The appointment of attorneys in such cases shall be governed instead by 18 U.S.C. § 3006A, and counsel furnishing representation in such cases shall be selected from a panel of attorneys designated by the Court pursuant to 18 U.S.C. § 3006A(b) and its Criminal Justice Act Plan.

1. **Civil *Pro Bono* Panel.** There shall be a panel of attorneys who are willing to accept appointment to represent *pro se* parties in civil actions when such parties lack the resources to retain counsel. Appointment shall be made by the Office of the Clerk in accordance with the written procedures there on file, except that in special circumstances the Judge may appoint counsel directly.
2. **Committee on Civil *Pro Bono* Litigation.** The Chief Judge shall appoint a committee on civil *pro bono* litigation to oversee the operation of the *Pro Bono* Panel. The term of appointment is three years, subject to reappointment at the Chief Judge's discretion. This Committee shall include at least one United States District Judge, one United States Magistrate Judge, and representatives of the District of New Jersey bar who practice primarily in federal courts. The Committee shall oversee the Civil *Pro Bono* Panel established herein, recruit new members to the Panel and expert witnesses willing to accept reduced fees, provide training opportunities for Panel members, and annually report to the Chief Judge on the operation and utilization of the panel, recruitment, and recommended changes for improving the operation of the Panel.
3. **Composition of the Civil *Pro Bono* Panel.** The Civil *Pro Bono* Panel will consist of the following:
 - a. **Attorney Instructors in Law School Clinical Programs.** An attorney working with a clinical program from a law school accredited by the American Bar Association and located in the District of New Jersey may apply to participate by completing the appropriate forms available from the Clerk. In the application the attorney shall set forth, among other things:
 1. that the attorney is in good standing in the District of New Jersey;
 2. the number of cases per calendar year the attorney is willing to accept for the clinical program;
 3. the preference for appointment among the types of actions (e.g., social security appeals, inmate civil rights, other civil rights, and miscellaneous);
 4. the number of students involved in the clinical program;
 5. the ability of the attorney and the clinical program to represent non-English-speaking

clients and, if so, a designation of the language(s);

6. the name of the supervisor of the clinical program.

b. Law Firms. Law firms, including public interest law firms, may apply to participate in the panel as firms by completing an application which sets forth the ability of participating attorneys to represent non-English-speaking clients and, if so, a designation of the language(s), and the name of the firm's attorney who will serve as the panel liaison.

Any matter assigned to a firm shall be directed to that firm's panel liaison, who, in turn, shall assign the matter to an attorney with that firm. Appearance in the action may be entered by either the firm or the assigned attorney, at the firm's option. The liaison, however, shall inform the Clerk, in writing, of the name of the attorney actually handling the matter.

c. Individual Attorneys. Attorneys who are willing to accept appointment to represent *pro se* parties shall submit an application setting forth a statement of the attorney's interest and whether the attorney is able to represent non-English-speaking clients and, if so, a designation of the language(s).

d. Review of Applications. The Committee on Civil *Pro Bono* Litigation shall review all applications received and shall appoint attorneys to the panel when appropriate. The Committee may remove an attorney or firm from the panel at any time.

e. Amendment or Withdrawal. Information on an application may be amended at any time by letter. An attorney or firm may by letter withdraw from the panel at any time, subject to paragraphs 5 (Relief from Appointment) and 6 (Responsibilities of the Appointed Attorney).

4. Appointment Procedure

a. The Office of the Clerk shall advise and assist any party appearing *pro se* in filing an *in forma pauperis* affidavit. The Clerk shall notify every party who has been granted *in forma pauperis* status pursuant to 28 U.S.C. § 1915 and is appearing *pro se* of the opportunity to apply in writing to the assigned Judge or Magistrate Judge for the appointment of counsel. The Clerk shall enclose with such notice a copy of this Rule and a form application for appointment of counsel.

b. The Clerk shall identify each case in one of the following categories: social security appeals, employment discrimination actions, inmates' civil rights, other civil rights, and miscellaneous.

c. Upon the filing of an Application for Appointment of Counsel, the Judge or Magistrate Judge (hereinafter the term "Judge" also includes Magistrate Judges) to whom the action is assigned shall determine whether and when a panel attorney should be appointed to represent the *pro se* party. The Judge may also make this determination at any time *sua sponte*. In making this determination the Judge shall consider all relevant materials, including the standard discovery, if any, obtained by the litigant.

d. Whenever the assigned Judge concludes that appointment of counsel is warranted, the Judge shall refer the case to the Clerk for appointment of an attorney from the *Civil Pro Bono* Panel. In special circumstances, the Judge may appoint counsel directly, in which case the Judge shall notify the Clerk of that appointment. Assignment of cases to attorneys on the *Civil Pro Bono* Panel shall not be made without prior agreement by the attorney. Assignments to attorneys representing law school clinical programs will be made at appropriate times during the school's academic year.

e. The Clerk will select a clinical program, a law firm, or attorney from the appropriate list unless the Judge orders appointment of a specific attorney. Assignments to law firms and attorneys will be made randomly throughout the year.

f. Before referring a case to a law firm or an attorney, the Clerk shall determine whether the litigant has any other case pending before the Court and whether an attorney has been appointed in such case. Where an appointed attorney is already representing the litigant in a prior action, such attorney is encouraged but not required to represent the litigant in the new action.

g. Once an attorney has agreed to accept an appointment, the Clerk shall immediately send notice of the appointment to the selected law firm or attorney. Copies of the pleadings filed to date and relevant correspondence and other documents shall accompany such notice. Upon receipt of such notice, the appointed attorney shall promptly review the matter and enter an appearance in the action.

h. The Clerk shall also send immediate written notice of the appointment, including the name, address and telephone number of the appointed attorney, to the party for whom the appointment is made and to all other parties in the action.

5. Relief From Appointment

a. An attorney who has accepted an appointment may apply to be relieved from appointment, on the following grounds:

- (i) A conflict of interest precludes the attorney from representing the party;
- (ii) the attorney believes that he or she is not competent to represent the party in the particular type of action assigned;
- (iii) a personal incompatibility exists between the attorney and the party, or a substantial disagreement exists between the attorney and the party concerning litigation strategy; or
- (iv) the attorney believes that the party is proceeding for the purposes of harassment or malicious injury, or that the party's claims or defenses are clearly unsupported by fact, are unwarranted under existing law, or cannot be supported by good faith argument to extend, modify or reverse existing law.

b. If, at any time, the appointed attorney discovers that the party is or has become able to pay for legal services, the attorney shall bring this information to the attention of the assigned Judge. The Judge may thereupon relieve the attorney from the appointment and permit the party to retain

another attorney, to proceed *pro se* or to continue with the appointed attorney, but on a paying basis.

c. Any attorney who seeks to be relieved from an appointment under 5a(i) or (ii) shall first make that request in writing to the client, setting forth the reasons therefor. If the client consents to the attorney's request to be relieved, the attorney, upon presenting such facts to the assigned Judge, shall be relieved.

d. If a client objects to an attorney's request to be relieved under 5a(i) or (ii), the attorney shall promptly submit his or her request in writing to the assigned Judge, along with a statement of the reasons for the request. The assigned Judge shall then decide whether to grant the request. Any request under this section, and the decision thereon, shall remain confidential and may not be made available to the other parties to the litigation.

e. If an application for relief from appointment is consented to or granted, the Judge may appoint or direct the Clerk to appoint another attorney from the panel to represent the party.

6. Responsibilities of the Appointed Attorney

a. Upon receiving an appointment, the attorney shall promptly communicate with the newly represented party concerning the action.

b. If, after reviewing the file and initial conference with the *pro se* litigant, the attorney concludes that he or she must withdraw from the appointment because of the grounds enumerated in Section 5a(iii) or (iv), the attorney shall file a Notice of Withdrawal with the Court, with proof of service upon the client, stating without identification of reasons that "grounds for relief from appointment under 5(a)(iii) or (iv) exist" and return the case to the Clerk.

c. The appointed attorney should discuss the merits of the dispute with the party and explore with the party the possibilities of resolving the dispute by other means, including but not limited to administrative remedies.

d. If, after consultation with the appointed attorney, the party decides to prosecute or defend the action, the appointed attorney shall proceed to represent the party in the action, unless or until the attorney-client relationship is terminated as provided herein.

7. Discharge. A party for whom an attorney has been appointed shall be permitted to relieve the attorney from the representation. The party may ask the Judge to discharge the attorney. Upon a showing by affidavit of satisfactory reasons, the Judge may appoint a new attorney.

8. Expenses. The appointed attorney or the firm with which he or she is affiliated may advance the expenses of the litigation. Appointed *pro bono* attorneys or firms may apply to the Judge during the litigation or within a reasonable period thereafter for reimbursement of costs reasonably incurred in connection with the litigation, not including attorneys' fees, to be paid

from the Attorneys' Admission Fee Account ("Fund"). Appointed *pro bono* attorneys shall request pre-approval for services needed during the litigation when the aggregate of expenses for which reimbursement is sought in an individual case exceeds \$5,000, using the Application for Pre-Approval for *Pro Bono* Services that can be found on the Court's website at www.njd.uscourts.gov. Appointed *pro bono* attorneys seeking reimbursement for expenses actually incurred shall submit a Reimbursement Voucher with supporting documentation for the incurred expense, using the Reimbursement Voucher form available on the Court's website, submitting same to the Deputy-in-Charge or Manager of Courtroom Deputies in the vicinage where the case is pending. Reimbursement shall be granted to the extent that funds are available for this purpose in the Fund for all expenses reasonably incurred and not reimbursed by the opposing party pursuant to an Order of the Court. It shall be irrelevant to the application for reimbursement whether the attorney's client prevailed.

- a. The Court should generally approve motions by the appointed attorney or stipulations designed to reduce discovery expenses, such as taking depositions by other than use of a stenographic transcript, for example by tape recorder or telephone. *See* Fed. R. Civ. P. 30(b)(3).
- b. To the extent practicable and where the client is a prisoner, pretrial proceedings in which the prisoner's participation is permitted shall be conducted by telephone, video conference, or other telecommunications technology without removing the prisoner from the facility in which he or she is confined. *See* 42 U.S.C. § 1997e(f)(1).
- c. On request to the Clerk, the appointed attorney may use the Court's video conferencing facilities to communicate with a client who is a prisoner in a facility that has confidential video conferencing capabilities.
- d. Appointed attorneys are encouraged to seek free or reduced costs for depositions, experts and other services.

9. Compensation for Services

- a. If the action is one for which compensation for legal services may become available to the appointed attorney by statute and be deductible from any recovery, the Clerk shall furnish information regarding such facts to the *pro se* party at the time the appointment is made. The Clerk shall also inform the party that any statutory fee award may be made only by the Judge upon application of counsel.
- b. *Pro se* litigants in social security disability cases shall be specifically advised by the Clerk that a statutory attorney's fee may be awarded to be paid from the award, if any, of retroactive disability benefits.
- c. Upon appropriate application by the appointed attorney, the Judge may award attorney's fees to the appointed attorney or legal clinic for services rendered in the action, as authorized by applicable statute, regulation, rule or other provision of law, and as the Judge deems just and proper.

10. Duration of Representation

a. An appointed attorney shall represent the party in the action in the trial court from the date he or she enters an appearance until he or she has been relieved from appointment by the Court or until a final judgment is entered in the action and reasonable efforts are made to enforce the judgment. The attorney shall, if it is appropriate in his or her judgment or requested by the litigant, file a notice of appeal from a final judgment as well as any post-trial motions.

b. If the party wishes to take an appeal from a final judgment or appealable interlocutory order, or if such judgment or order is appealed by another party, or if the matter is remanded to an administrative forum, the appointed attorney is encouraged but not required to represent the party on the appeal and in any proceeding, judicial or administrative, that may ensue upon an order of remand. If the attorney declines to perform such additional services, the client and the Court shall be notified in writing.

11. Training

The Committee on Civil *Pro Bono* Litigation shall, in cooperation with bar associations or continuing legal education providers, organize and conduct educational programs and prepare educational materials to train and advise attorneys on the *Civil Pro Bono* Panel in the preparation and trial of the most common types of civil actions involving *pro se* parties brought before the Court.

12. Annual Review

At the end of each fiscal year, the Clerk of the Court shall report to the Chief Judge, the Board of Judges, and the members of the Committee on *Civil Pro Bono* Litigation the following statistics broken down by type and judicial assignment:

- a. the number of civil cases filed *in forma pauperis*, excluding petitions filed pursuant to 28 U.S.C. §§ 2241, 2254, and 2255;
- b. the number of applications for appointed counsel filed;
- c. the number of orders of appointment entered;
- d. the number of applications for withdrawal filed;
- e. the number of applications for withdrawal granted;
- f. the number of applications for withdrawal denied; and
- g. the number of appointments made subsequent to withdrawal of counsel.

Revised June 16, 1999; October 14, 2010

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

PROCEDURES FOR REIMBURSING *PRO BONO* ATTORNEYS

Below are procedures to reimburse appointed *pro bono* attorneys for out-of-pocket expenses during or after litigation.

1. No disbursement shall be made unless it is intended to pay for reasonable and necessary litigation expenses such as subpoena fees, witness fees, attendance fees for stenographers, deposition transcripts, expert fees, requests for production of records, or a showing of good cause for any other necessary expense. Appointed *pro bono* attorneys or firms may apply to the presiding Judge or Magistrate Judge during the litigation or within a reasonable period thereafter for reimbursement of expenses reasonably incurred in connection with the litigation, not including attorney's fees, to be paid from the Attorney Admission Fund ("Fund").

2. **REQUESTING PRE-APPROVAL FOR EXPENSES TO BE INCURRED**

Appointed *pro bono* attorneys shall request pre- approval for services needed during the litigation when the aggregate of expenses for which reimbursement is sought in an individual case exceeds \$5,000. The *pro bono* attorney need not seek pre-approval for expenses to be incurred of less than \$5,000. Therefore, the attorney should submit, NOT FILE, a form supplied by the Clerk, *Application for Pre-Approval of Pro Bono Services*,¹ to the presiding Judge or Magistrate Judge outlining the services needed and estimated cost. If approved, the Judge will then sign the bottom of the form. The original will be returned to the attorney and a copy given to the Deputy-in- Charge or Manager of the Courtroom Deputies assigned to the vicinage where the case is pending. The attorney is required to include the executed form when submitting the reimbursement voucher to the Court for payment.

3. **REQUESTING REIMBURSEMENT OF EXPENSES**

Appointed *pro bono* attorneys who have received pre- approval for expenses to be incurred, should submit, NOT FILE, a *Reimbursement Voucher*,² along with a copy of the prior approval as well as supporting documentation. The *Voucher* should be forwarded to the vicinage where the case is pending Attn: Deputy-in-Charge or Manager of Courtroom Deputies.

Appointed *pro bono* attorneys who have NOT received pre-approval should submit the Reimbursement Voucher with supporting documentation for the incurred expense, to the Deputy-in-Charge or Manager of Courtroom Deputies in the vicinage where the case is pending .

¹ *Application for Pre-Approval for Pro Bono Services* can be found on the Court's Web site at www.njd.uscourts.gov/atty/proBono.html

² *Reimbursement Voucher* can be found on the Court's Web Site at www.njd.uscourts.gov/atty/proBono.html

4. **RECOUPMENT OF DISBURSEMENTS**

a). The Court recognizes that a prevailing party may apply for costs. See L. Civ. R. 54.1. The Court also recognizes that in certain instances, a prevailing party may apply for attorneys' fees under 42 U.S.C. § 1988 or other fee-shifting statutes.

b) So that the Fund may remain solvent and available to assist *pro bono* attorneys, any application for attorneys' fees and/or costs on behalf of a party who has received reimbursement of expenses from the Fund shall include a request for assessment of any expense for which disbursement from the Fund has been made. Any such assessment shall be promptly turned over to the Clerk.

ATTACHMENT 3C

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

OFFICE OF THE CLERK

Martin Luther King Jr. Federal Bldg & U.S. Courthouse
50 Walnut Street, P.O. BOX 419
Newark, N.J. 07101



William T. Walsh
Clerk

CAMDEN OFFICE
Mitchell H. Cohen U.S. Courthouse
One John F. Gerry Plaza
Fourth & Cooper Streets Room 1050
Camden, N.J. 08101

TRENTON OFFICE
Clarkson S. Fisher U.S. Courthouse
402 East State Street Room 2020
Trenton, N.J. 08608

Dear Pro Bono Panel Member:

The enclosed information should assist you with completing your Reimbursement Voucher for Expenses. Procedures and forms for reimbursement can be found on the court's website at www.njd.uscourts.gov under the Pro Bono tab.

The court requires the following when submitting vouchers for reimbursement:

Travel Expenses - Travel by privately owned automobiles should be claimed at the mileage rates listed below, plus parking fees, tolls, etc. Mileage expenses should include the number of miles as well as the origin and destination of the travel as part of the supporting documentation.

Effective Date	Rate
February 4, 2005	\$0.405
September 1, 2005	\$0.485
January 1, 2006	\$0.445
February 1, 2007	\$0.485
March 19, 2008	\$0.505
August 1, 2008	\$0.585
February 1, 2009	\$0.550
January 1, 2010	\$0.500
January 1, 2011	\$0.510

Electronic Legal Research & PACER - Reimbursable only if the law firm actually incurred the expense as opposed to the amount the firm would charge the client. A copy of the firm's check or receipt with an explanation of charges should be attached.

Reproduction costs - All in-house photocopying should indicate the number of pages and the reasonable fee charged. All external reproduction costs incurred by the firm (such as Kinkos) should include a copy of the invoice from the vendor.

Federal Express - Only to be utilized under extraordinary circumstances. Receipt required for payment.

Expert Fees (including stenographers, investigators, interpreters, doctors, etc) - Reimbursement voucher must include expert's invoice for services rendered and proof of payment.

Telephone/Conference Calls - Should include date, rate and reason for call.

ALL REIMBURSEMENT FOR EXPENSES SHOULD BE SUBMITTED AT END OF CASE

ATTACHMENT 3D

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Instructions:

1. Submit this Reimbursement Voucher to the Deputy-in-Charge or Manager of Courtroom Deputies in the vicinage where the case is pending.
2. Attach all supporting documentation including a detailed invoice for each expense for which reimbursement is sought.
3. *Pro bono* counsel must attach the original approved Application for Pre-Approval where reimbursement of expenses exceed a total of \$5,000 is sought in the case.

**REIMBURSEMENT VOUCHER
FOR EXPENSES OF *PRO BONO* COUNSEL**

I, _____ duly appointed as *pro bono* counsel to
represent _____ in the matter of
_____,
_____ v. _____,
Civil Action No. _____, hereby request reimbursement pursuant to Appendix H of the
Court's Local Civil Rules, for expenses incurred in the representation of my *pro bono* client in the
amount of \$ _____. The check should be made payable to:

Name of Attorney/Firm

Address of Attorney/Firm

I certify that the expense(s), for which a detailed copy of invoice(s) is/are attached, is/are reasonable and necessary and were actually incurred herein.

Date: _____

Signature of *Pro Bono* Counsel

The above application of *pro bono* counsel is fair and reasonable and payment is recommended from the District of New Jersey's Attorney Admission Fund.

Date: _____

Signature of Judge

IT IS SO ORDERED:

Date: _____

Chair of Attorney Admission Fund

ATTACHMENT 3E

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Instructions:

1. This Application is required where appointed *pro bono* counsel anticipates incurring expenses for which reimbursement is sought exceeding an aggregate amount of \$5,000 in the case.
2. Submit this Application (original plus one copy) directly to the presiding Judge or Magistrate Judge in the case. (DO NOT FILE WITH THE CLERK.)

APPLICATION FOR PRE-APPROVAL OF *PRO BONO* SERVICES

I, _____ duly appointed as *pro bono* counsel to represent _____ in the matter of _____ v. _____, Civil Action No. _____, hereby request Pre-Approval for *pro bono* services on behalf of my client. I have outlined below the service(s) needed, and explained why the expenses is/are reasonable and necessary. _____

_____.

The estimated cost for the above service(s) is/are \$ _____.

I certify that the expense(s) outlined above is/are reasonable and necessary.

Date: _____

Signature of *Pro Bono* Counsel

Name and Address of Law Firm

The above *Application for Pre-Approval of Pro Bono Services* of *pro bono* counsel is fair and reasonable.

Date: _____

Signature of Judge

ATTACHMENT 3F

**APPLICATION -- PRO BONO PANEL
United States District Court**

With submission of this application, you will be included on the list of pro bono counsel appointed by this court in accordance with 28 U.S.C. §1915(e). When your name reaches the top of the list, you will be contacted by a Clerk's Office employee. You will be given the opportunity to review the case prior to acceptance, and certain key filed documents will be forwarded to you to aid you in your decision. Thank you for participating in this worthwhile endeavor.

NAME _____

ADDRESS _____

PHONE _____

FAX _____

E-MAIL _____

Year of Law School Graduation _____

Below is a representative list of substantive areas in which pro se applicants file cases. Please indicate in which of the following areas you would be willing to accept an appointment. The court will make every effort to limit its requests of you to the areas which you mark below. If you have no preference, you need not mark below.

- First Amendment to the United States Constitution
- Fourth Amendment
- Fifth Amendment Due Process
- Eighth Amendment Excessive Force
- Eighth Amendment Medical Deliberate Indifference
- Fourteenth Amendment Due Process
- Fourteenth Amendment Equal Protection
- Discrimination under Title VII of the Civil Rights Act of 1964

Return to:

**Dolores Seksnel, Supervisor
United States District Court
District of New Jersey
One John F. Gerry Plaza
Camden, New Jersey 08101**

**Melvin Jackson, Supervisor
United States District Court
District of New Jersey
402 East State Street
Trenton, New Jersey 08608**

**Andrea Walker, Supervisor
United States District Court
District of New Jersey
50 Walnut Street
Newark, New Jersey 07101**