

Nov 21, 2025

UNITED STATES DISTRICT COURT SEAN F. McAVOY, CLERK

EASTERN DISTRICT OF WASHINGTON

In Re

Plan of the U.S. District Court for the  
Eastern District of Washington for the  
Representation of Indigent *Pro Se*  
Litigants in Civil Cases

GENERAL ORDER NO. 2025-23

The United States District Court for the Eastern District of Washington (the Court), has fully reviewed and considered the attached Civil Pro Bono Plan governing the establishment of a Pro Bono Panel, as well as the appointment and reimbursement of pro bono counsel in indigent pro se civil cases.

**THEREFORE, IT IS HEREBY ORDERED:**

1. The Civil Pro Bono Plan, attached as Exhibit 1, is adopted in full.
2. The Civil Pro Bono Plan supersedes General Order No. 16-114-1 in its entirety.
3. The Clerk of Court is authorized to develop, implement, publish, and modify administrative procedures necessary to ensure the efficient implementation and operation of the Civil Pro Bono Plan. Substantive amendments to the Plan itself shall remain subject to approval by the Court.

1           This General Order shall become effective immediately upon entry of this  
2 General Order.

3           **IT IS SO ORDERED.**

4           **DATED** this 21<sup>st</sup> day of November, 2025.

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8           HON. STANLEY A. BASTIAN  
9           CHIEF UNITED STATES DISTRICT JUDGE,  
10           EASTERN DISTRICT OF WASHINGTON



# **Civil Pro Bono Plan**

## **United States District Court Eastern District of Washington**

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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON  
CIVIL PRO BONO PLAN**

**I. AUTHORITY**

The judges of the United States District Court for the Eastern District of Washington (“the Court”) adopt this Civil Pro Bono Plan (“Plan”) pursuant to the inherent authority of the Court and 28 U.S.C. §1915. This Plan supersedes General Order No. 16-114-1 in its entirety.

**II. Purpose and Scope**

The purpose of this Plan is to ensure that attorneys may be appointed to represent parties in civil actions who cannot afford legal counsel, in those cases that merit representation, and to allow for the reimbursement of associated expenses.

The Plan is intended to encourage attorney participation in a district-wide pro bono effort to expand access to justice in the Eastern District of Washington and give attorneys experience litigating in federal court.

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

**III. Establishment of Pro Bono Panel of Attorneys and Mentorship Program**

Attorneys admitted to practice before the Court and in good standing who are willing to serve as pro bono counsel for indigent civil plaintiffs may file an application with the Federal Bar Association for the Eastern District of Washington (hereafter FBA). The FBA will review the applications submitted and establish a roster of qualifying attorneys participating on the Eastern District of Washington’s Pro Bono Panel. Panel members may designate the types of cases in which they are willing to provide Pro Bono legal counsel (e.g., civil rights, fair housing, employment discrimination, veterans’ benefits, social security benefits, Americans with Disabilities Act, etc.).

Qualified mentors may be appointed (1) at the request of the primary panel member appointed to a civil case; or (2) at the determination of the FBA based upon prior panel service of the appointed panel member. Mentor selection will be based upon a determination of panel member experience/expertise by the FBA. Unless formerly associated as counsel of record, the mentor attorney will not be added as co-counsel of record on the case docket sheet or be otherwise associated with the case in any way.

#### **IV. Appointment of Counsel in Selected Cases**

Upon request of an indigent pro se litigant, accompanied by a declaration of indigency, the Court will determine whether appointed counsel is warranted. If the Court finds appointed counsel is warranted, the Court will contact the President of the FBA and request the appointment of a Pro Bono panel member. The Court will provide the FBA with the names of the parties, the cause number(s), and a copy of the Complaint, Answer, and any pending motions.

The President of the FBA shall contact qualifying Pro Bono panel members to ascertain availability and willingness to accept appointment and absence of conflict in accepting appointment, with the intent of identifying one or more attorneys willing to accept the pro bono appointment. The President of the FBA shall then communicate to the Court the names of the one or more attorneys willing to accept the appointment. If no attorneys are willing or able to accept the requested appointment, the President of the FBA will advise the Court accordingly.

Assuming one or more attorneys are willing to accept the appointment, the Court will select counsel of its choice and, by written order, appoint an attorney(s) as pro bono counsel.

## **V. Spokane Volunteer Lawyers' Program Intake Process**

Under the rules of the Washington State Bar Association (WSBA), attorneys who perform legal pro bono activities may be entitled to continuing legal education (CLE) credits. Under the WSBA's current rules, to receive CLE credit, attorneys must do pro bono work for a qualified legal services provider, which is defined as "a not for profit legal services organization in Washington State whose primary purpose is to provide legal services to low income clients." APR 1(e)(8). The United States District Court does not meet this definition.

The Spokane Volunteer Lawyers' Program (Spokane VLP) is a qualified legal services provider under the WSBA definition. If pro bono counsel wishes to receive CLE credit for their representation, counsel may be able to open a matter with Spokane VLP so as to bring the representation within Spokane VLP's ambit. By adhering to Spokane VLP's procedures, counsel's pro bono representation may qualify for CLE credit. The Court does not make any express promises concerning the benefits that may come with opening a pro bono matter with Spokane VLP (or any other qualified legal services provider).

## **VI. Duration of representation**

- A.** Pro bono representation duration will be dictated by the needs of the case at hand. Representation may be for the case in its entirety or it may be for a limited appearance such as amendment of a pleading, participating at a settlement conference, filing or opposing a dispositive motion, attending a hearing(s), attending a deposition(s), conducting or responding to discovery, or attending trial.
- B.** If the party desires 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, which may ensue upon an order of remand.
- C.** Where the appointed attorney elects not to represent the party on an appeal or in a proceeding upon remand, the attorney shall advise the

party of all required steps to be taken in perfecting the appeal or appearing in the proceeding on remand. Upon request of the self-represented party the attorney shall file the notice of appeal.

## **VII. Reimbursement of Costs and Expense**

Appointed counsel must seek from the client (the former *pro se* litigant) reimbursement for the costs in litigating the action according to Washington Rule of Professional Conduct 1.8(e)(1). Counsel may advance costs as long as the client is responsible for reimbursement. Counsel may also apply, ex parte, for reasonable and necessary costs from the Court's Non-Appropriated Library Fund ("Fund"). See Section VII(A), *infra*.

### **A. Costs and Expenses Eligible for Fund Reimbursement**

If counsel intends to request reasonable and necessary costs from the Fund, as soon as practicable after appointment, counsel shall submit an ex parte projected budget for the entire case. There is a presumption that the entire budget be \$4,500 or less. The Court must approve the projected budget prior to counsel incurring any costs for which reimbursement will be sought. The Court may consider the availability of funds and seek input from the Fund Committee prior to approving the budget. Upon the Court's approval of the budget, the following categories of costs and expenses are eligible for reimbursement from the Fund:

- 1) Commercial (not in-house) copying costs, including copying of electronically-stored information;
- 2) Deposition fees and costs of transcripts (an original and one copy) that will be introduced as evidence in motion practice or at trial;
- 3) Expert witness fees vital to the case (where a pro bono expert cannot otherwise be retained);
- 4) Costs of attorney travel not to exceed the US General Services Administration rates, see <http://www.gsa.gov>, for mileage, lodging, and per diem;

- 5) Interpreter and translator services; and
- 6) Witness fees, including service of subpoenas, statutory witness fees, mileage, and lodging.

Counsel may amend their budgets by ex parte motion to request additional funds, including funds exceeding the presumptive \$4,500.00 budget. The \$4,500.00 presumptive budget will only be exceeded upon a showing of good cause.

After a budget is approved and expenses are actually incurred, counsel may request reimbursement by ex parte motion made either at the conclusion of the case or on an interim basis, if necessary. All requests for reimbursement must be submitted no later than 30 days following the entry of final judgment in the case.

#### **B. Costs and Expenses Not Eligible for Fund Reimbursement**

The following costs and expenses are not eligible for reimbursement from the Fund:

- 1) Costs and expenses that have not received prior approval from the presiding judge;
- 2) Attorney's fees, paralegal fees, general overhead and related expenses, including rent, telephone, office photocopying, secretarial assistance, and any other personnel costs;
- 3) Computer-assisted legal research;
- 4) Postage and costs for service of papers not otherwise allowed above;
- 5) Travel, lodging, and per diem of the client;
- 6) Any personal expense of the client, including fines, taxes, clothing, food, housing, etc.; and
- 7) Attorney's fees, costs, and expenses imposed against the client (the

former pro se litigant) or pro bono counsel pursuant to any rule, statute, contract or court order.

### **VIII. Recovery of Reimbursed Expenses**

The Court expects a prevailing client to seek attorney fees (which will be used to compensate pro bono counsel), costs, and expenses allowed by law from the opposing party. In any event, pursuant to the Rules of Professional Responsibility, the client is ultimately responsible for costs. In the event of settlement or other resolution resulting in a monetary award or transfer to the indigent litigant, reimbursement of costs and expenses shall occur as follows: First, the Fund shall be reimbursed for the costs and expenses advanced in the litigation. Second, appointed pro bono counsel shall be reimbursed for any costs and expenses advanced.

Reimbursement to the Fund is not contingent upon the Court's award of taxable costs, untaxable costs or expenses in the case; rather, such reimbursement is required for any monetary award or transfer in favor of the indigent litigant. Counsel shall ensure that such reimbursement occurs prior to any disbursement of judgment or settlement funds to the client or any other person.

### **IX. Fee Agreements**

- A.** As a general rule, the attorney shall represent the unrepresented party without remuneration.
- B.** Representation provided may be conditioned on the client's entering into a written fee agreement assigning to the attorney any amounts recovered by the client as attorney's fees pursuant to law(s) authorizing such an award.
- C.** Subject to any legal and ethical obligations, counsel's representation may be conditioned on the client's entering into a contingent fee arrangement providing for the payment of a reasonable fee and litigation expenses out of any funds recovered by the client as a result of the representation, provided that:

1. The contingent fee agreement is entered into at the outset of the representation.
2. The contingent fee agreement states that the amount of any payment received by the attorney pursuant to an assignment agreement shall be credited against the client's fee obligations; and,
3. The contingent fee shall be calculated based on the amount recovered after the payment of any taxable costs and litigation expenses.

If counsel and the client enter into a contingency fee agreement, counsel must notify the court by filing, *ex parte*, a Notice of Fee Agreement within 28 days after the fee agreement is executed.

- D.** Fee agreements that include attorney compensation are not permitted in instances of limited appointments.

**X. In-Court Hearing**

If requested by any pro bono counsel appointed under this Plan, the Court will guarantee an in-court hearing on any dispositive motion.

**XI. Waiver of PACER fees**

Upon request, the Clerk's Office may provide paper or electronic copies of court filings that relate to the case or appointment of counsel, without cost, to the appointed attorney. The appointed attorney may also move the Court for exemption from PACER fees related to the pro bono appointment. Upon approval, the Court will provide a copy of the Order to the PACER Service Center. Any documents, docket reports, or other data obtained by the appointed attorney are not to be sold for profit, transferred, or otherwise provided to third parties.

**XII. Rules and Policies**

The United States District Court for the Eastern District of Washington may adopt rules and policies in accordance with this Plan and reserves the right to

amend this Plan and accompanying rules and policies as the Court deems appropriate.

**XIII. Effective Date**

This Plan will become effective on the 21<sup>st</sup> of November, 2025.

**ENTERED** FOR THE COURT ON November 21, 2025.