

November 2018

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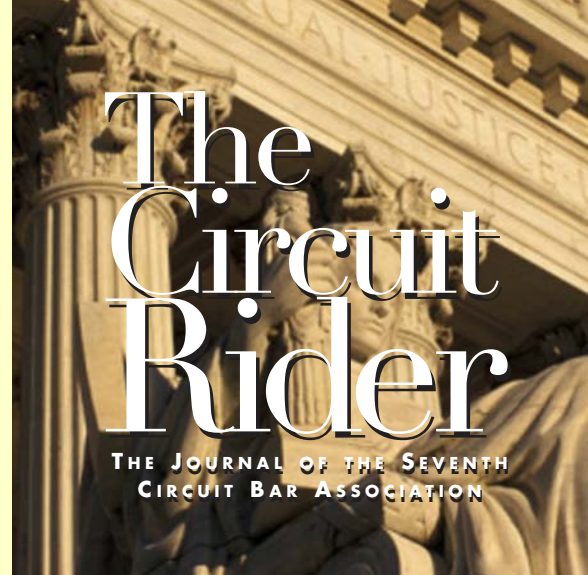
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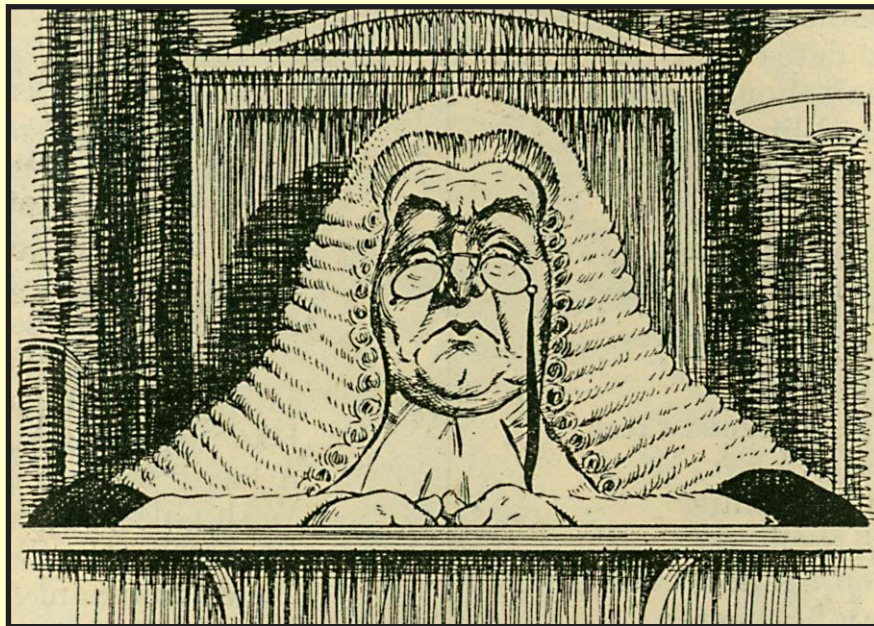
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Memories





Answering *the* Call:

PRO BONO PROGRAMS IN THE COURTS OF THE SEVENTH CIRCUIT

*By Laura McNally & Margot Klein**

The ability to help those in need through the provision of pro bono service is one of the greatest gifts of a legal education. This article summarizes the programs in our Circuit that enable attorneys to provide critical legal services to those in need while sharpening their own skills and assisting the Court.

Some pro bono programs require only a few hours a month. Others ask for a greater commitment. Some programs provide in-court experience, while others focus on negotiation and counseling. What they all have in common is the opportunity to get involved and change lives.

We hope that you will find something in this article that catches your eye.

Seventh Circuit Court of Appeals

Attorneys looking for appointed appellate work, whether civil or criminal, can simply reach out to the Clerk's office. For criminal matters, lawyers may represent clients on direct appeal or in post-conviction proceedings. On the civil side, lawyers represent *pro se* parties in cases involving social security appeals, prisoner rights, and employment matters. Absent unusual circumstances, the court will hear oral arguments in appointed cases.

Florina Yezril, an associate at Mayer Brown, represented a client in an appeal involving a petition for a certificate of innocence. "Professionally, this pro bono work presented the rare opportunity for a second-year associate to manage a case, take the lead in crafting legal and persuasive arguments, work

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**Laura McNally is Co-Chair of the Retail and Consumer Brands Group at Loeb & Loeb and an editor of The Circuit Rider. She serves as the Chicago chair of Loeb & Loeb's Pro Bono Committee.*

Margot Klein is a law clerk in the Northern District of Illinois and chairs the Seventh Circuit Bar Association Pro Bono & Public Service Committee.



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directly with a client, and ultimately argue at the Seventh Circuit. Personally, this project was very rewarding because our client expressed tremendous gratitude, stating that he could never have successfully appealed without my hard work on his behalf.”

For more information, contact Don Wall, Counsel to the Circuit Executive, at don_wall@ca7.uscourts.gov.

Northern District of Illinois

The William J. Hibbler Memorial Pro Se Assistance Program:

The William J. Hibbler Memorial Pro Se Assistance Program provides a free help desk for *pro se* parties in federal civil cases. Most commonly, the Help Desk’s visitors are plaintiffs in civil rights and employment cases. Volunteer lawyers do not undertake representation of any parties. Instead, they act as a resource to help analyze claims, draft pleadings, review documents, and understand rulings. Oftentimes, a volunteer’s most important service is providing guidance to non-lawyers who feel aggrieved but don’t know how (or whether) to proceed with a claim. Volunteers work in 3-hour shifts, scheduled a month in advance at the lawyer’s convenience.

Margot Klein, one of the authors of this article, served as the inaugural staff attorney for the program, and says its critical role cannot be underestimated. “This program provides *pro se* litigants with the tools they need to better litigate their cases – and that helps everyone concerned.”

This program is best for practitioners who have had at least 3-5 years of federal court experience in civil matters. Long-time volunteer Brad Lyerla, a partner at Jenner & Block, explains what draws him to this *pro bono* opportunity. “Gratitude and service to others are keys to happiness. I think the main kick that I get out of Hibbler is that I feel like I am helping real people with real problems. I also like the fact that Hibbler work

is under the radar. At my firm, we do a lot of high profile *pro bono*, and I have done that myself. But Hibbler has no glory attached to it, and at this stage of my life, I prefer personal and low key *pro bono* service.”

For more information, contact the Legal Assistance Foundation, (312) 229-6060, or complete an online questionnaire at <http://lafchicago.org/volunteer/volunteer-opportunities-sign-up>

Civil Case Appointment:

Members of the Northern District of Illinois’ Trial Bar are probably aware that they may be randomly assigned to represent an indigent client. For lawyers looking for a rewarding *pro bono* opportunity in federal court, there is no need to wait to be randomly selected. The clerk’s office is happy to accept volunteers under Local Rule 83.35. The most common cases involve prisoner civil rights, social security, and employment matters. The clerk’s office will work with volunteer counsel to match the specific type of case with their preferences. Assignments can be made at any stage of the case, from initial pleadings to post-dispositive motions.

Rami Fakhouri, a partner at Goldman Ismail Tomaselli Brennan & Baum, represented his client from initial discovery, through Seventh Circuit en banc review, and then back on remand to the district court. In 2018, Rami was awarded the Seventh Circuit Bar Association’s *Pro Bono* Service award for his outstanding service to his client. Of this experience, Rami says, “The most rewarding aspect of my work on the *Petties* matter was getting my client his day in court, and being part of a new and important development in

Seventh Circuit case law in the process. It was truly exhilarating. The case also brought a range of experiences that ultimately laid the foundation for me to take on increasing responsibility for other clients. From taking and defending depositions to arguing motions and negotiating settlements, I can trace many of the skills I now use regularly to my time on the *Petties* case. To me, it speaks to the power and importance of *pro bono* work — both as a worthy contribution to society and as a crucial means of young attorney development.”

For more information on accepting a civil appointment, contact Annette Panter, Assistant to the Clerk of Court, annette_panter@ilnd.uscourts.gov.





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Settlement Assistance Project:

It is a maxim of modern legal practice that nearly all cases settle. The Settlement Assistance Project has turned that maxim into mission. The program pairs volunteer lawyers with *pro se* litigants for limited representation during settlement conferences before magistrate judges. If the case does not settle, the volunteer lawyer is under no obligation to continue with the representation. The work involves client counseling, drafting settlement demand letters, and advocating for the client at the settlement conference. If the case settles, the volunteer is also involved in drafting the settlement agreement.

John Cotiguala, an associate at Loeb & Loeb, found his Settlement Assistance Project work highly rewarding: “Overall, the experience made me feel more connected to the legal community. First, it was rewarding to give the client an opportunity to be heard and taken seriously in the legal process because of the importance of the claim to the client. It was also rewarding to get experience in a different area of the law and the opportunity to take the lead on a settlement conference. Finally, as a young attorney, it was rewarding to interact with a judge on the merits of a case in an informal setting, which gave me more confidence in future court appearances.”

For more information, contact Cunyon Gordon, Director of the Settlement Assistance Program, the Chicago Lawyers’ Committee for Civil Rights, cgordon@clccrul.org, (312) 202-3662.

Bankruptcy Help Desk:

Like the Hibbler Pro Se Assistance Program discussed above, the Bankruptcy Help Desk provides a resource for *pro se* parties navigating the bankruptcy system. While they do not undertake representation of help desk clients, they are available to answer questions, review forms, and draft motions. Volunteers work in 3-4 hour shifts and receive training from the Legal Assistance Foundation. For this role, volunteers must have at least one year of experience practicing bankruptcy law.

Dan Zazove, of counsel at Perkins Coie, admits that he was very nervous when he started at the help desk, having not done

many chapter 7 cases in recent years, but he quickly found that he was more than equipped to assist the help desk’s visitors. He notes the enormous need for this service, saying “[t]here are an awful lot of people who come to the help desk every time it is open. More people sign up than there are available slots and Rock Bendix and I go early and stay late so we try not to turn anyone away. For the most part it’s very rewarding and the people we serve are very appreciative.”

For more information, contact the Legal Assistance Foundation, (312) 229-6355, or complete an online questionnaire at <http://lafchicago.org/volunteer/volunteer-opportunities-sign-up>

Bankruptcy Volunteer Panel:

Through the Bankruptcy Volunteer Panel, attorneys represent indigent parties in adversary proceedings and contested matters. Panel members are not expected to file bankruptcy cases, complete bankruptcy forms, or attend creditor meetings, and panelists need not be bankruptcy practitioners.

Laura McNally, one of authors of this article, represented a defendant in an adversary action filed by the U.S. Trustee. “Although I’m not a bankruptcy practitioner, I had familiarity with adversarial actions, and I felt comfortable assisting my client negotiate a resolution with the Trustee. Like nearly all of our *pro se* clients, my client was overwhelmed with the bankruptcy court process before she had a lawyer. My greatest reward was watching the fear slowly recede from her face as we worked toward a positive resolution.”

For more information, visit this page: <https://www.ilnb.uscourts.gov/us-bankruptcy-court-volunteer-attorney-panel>

Central District of Illinois

The Central District of Illinois’ Plan for Appointment of Counsel was designed to facilitate the recruitment of pro bono counsel for indigent *pro se* litigants in civil cases, while enabling attorneys to gain trial experience. Under the Plan, a volunteer panel is created and administered by the court’s designated Pro Bono Coordinator, Denise Koester, (217-492-4027, or Denise_Koester@ilcd.uscourts.gov). Volunteers interested in joining the panel can register through the Pro Bono Attorney Information page of the court’s website, <http://www.ilcd.uscourts.gov/pro-bono-attorney-information>.



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To assist pro bono counsel, the court provides online access to prison litigation resource material as well as the contact information of various IDOC Legal Services Litigation Coordinators. The court also provides for attorneys and eligible law students to be reimbursed certain costs and fees associated with their work.

Physician/attorney Dr. Thomas J. Pliura took his first volunteer assignment shortly after signing up, and obtained a substantial trial verdict for his prisoner client. Since then, he has handled numerous prisoner cases involving medical issues in the district, and he has facilitated obtaining volunteer expert medical assistance in still others. Using his unique blend of medical and legal expertise, Dr. Pliura says he volunteers for the hardest cases because he is privileged to be able to provide the help. The judges are uniformly appreciative of the pro bono assistance, he says, consistently doing whatever they can to accommodate busy schedules or otherwise aid in the appointments. The time commitment for each case varies depending on its complexity. Mr. Pliura encourages junior attorneys to undertake pro bono work. “It’s a great opportunity to develop your skills and get trial experience,” he says, “while helping those truly in need.”

Southern District of Illinois

Pro se litigation makes up more than 50% of this District’s docket, the vast majority of which involve prisoner civil rights. To address the heavy caseload, the court formed a Pro Bono Panel, consisting of attorneys who are eligible to undertake pro bono cases. 175 such placements were made in the last year and the court is extremely appreciative of the assistance. The Southern District of Illinois enables attorneys to volunteer to take a case through an online registration form, found at <https://www.ilsd.uscourts.gov/AttyProBono.aspx>. Attorneys can also get involved by contacting the Clerk of Court and Counsel to the Chief Judge, Meg Robertie. (618-482-9106 or meg_robortie@ilsd.uscourts.gov.)

To assist with pro bono work, the court makes prisoner litigation materials available online, facilitates informal mentoring, provides CLE trainings, and administers a fund to enable reimbursement of certain expenses. The Court also recently

launched its Prisoner Litigation Task Force to address recurring issues and strategize on efficient case management.

Northern District of Indiana

The Northern District of Indiana faces a significant amount of pro se litigation and works to recruit pro bono counsel where appropriate. Members of the Robert A. Grant American Inn of Court have been quick to volunteer on cases ranging from prisoner litigation to employment disputes. Attorneys interested in volunteering can reach out to the Inn of Court to learn more about getting involved.

<http://www.innsocourt.org/Content/InnContent.aspx?Id=1534>. The time commitment varies based on the complexity of the case, and volunteers are provided case materials before making a decision about whether to accept a matter.

Southern District of Indiana

It’s easy for an attorney to get involved with the Southern District of Indiana’s pro bono program. Under Local Rule 87, the court maintains a volunteer attorney panel of attorneys willing to volunteer to represent indigent litigants in civil cases and an obligatory panel from which the court will recruit if no volunteer attorney is available. Attorneys can volunteer by completing an online application, found at:

<https://ecf.insd.uscourts.gov/ejuror/probono.html>. They will then receive emails twice a month with information about new opportunities.

Sarah MacGill Marr, an attorney with Riley Bennett Egloff, LLP, has undertaken several limited purpose appointments, successfully resolving each through mediation. Just recently, she resolved not only the case in which she had been recruited, but also two others that had been brought by the same prisoner litigant. “The mediation assistance program helps guide people through the resolution of their cases,” she explained. “There are people with valid claims that need to be heard. Volunteering with the program is my chance to help them to do that.”

The court provides information online in the Pro Bono Assistance Opportunities & Resources pages of its website, <http://www.insd.uscourts.gov/pro-bono-opportunities>. Materials include handbooks on Section 1983 and prisoner litigation, sample motions, HIPAA and other information release forms, and publications celebrating pro bono work. The court also describes the cases for which it is seeking the assistance of counsel: <http://www.insd.uscourts.gov/pro-bono-cases>.



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In order to enable pro bono work, the court reimburses certain expenses, and helps obtain professional liability insurance coverage if needed. It also allows volunteers to enter into fee arrangements with their clients where appropriate. The District has designated Kristine Seufert (317-229-3954, or kristine_seufert@insd.uscourts.gov) and Jordan Davison (317-229-3986, or jordan_davison@insd.uscourts.gov) as Pro Bono Coordinators, and makes mentors available for consultation on pro bono work.

In 2017, 1,480 civil cases were filed by *pro se* litigants in the District, and counsel was recruited to assist in 70 cases. Approximately 120 attorneys participated. In response to the Court's 2018 Pro Bono Survey, attorneys reported spending an average of 20 hours on an appointment limited to assisting with settlement and an average of 60 hours for an unlimited appointment.

Eastern District of Wisconsin

The Eastern District of Wisconsin operates a vibrant pro bono program, involving prisoner and nonprisoner civil rights cases, Title VII cases, and other discrimination cases. The court recruits attorneys to assist with trial appointments, as well as limited purpose undertakings like representing a civil litigant in a mediation, and other discrete matters. Volunteers may register to join the court's Pro Bono Attorney Panel, and be among the first to know of volunteer opportunities. Panel membership is not a commitment to undertake a particular case, and volunteers are able to review case files before deciding whether to accept the court's request for pro bono assistance.

To enable pro bono work, the court provides online access to several manuals, sponsors CLE trainings on pertinent topics, and makes seasoned attorney volunteers available as informal mentors to attorneys handling pro bono cases. The State Bar of Wisconsin provides free malpractice coverage for pro bono legal services, and the District Court Pro Bono Fund is available to assist with reimbursement or prepayment of certain out-of-pocket expenses. During National Pro Bono Week each year, the court and the Eastern District of Wisconsin Bar Association recognize the significant contributions of pro bono attorneys through their Pro Bono Attorney Honor Roll.

Western District of Wisconsin

About 350 cases are filed per year in the Western District of Wisconsin by *pro se* litigants. The majority are brought by prisoners alleging denials of their civil rights. Quarles & Brady partner Emily M. Feinstein has handled a number of those cases, and has supervised associates on still others. "One of the things we like about these cases is that they are great learning tools for our associates. The chance to get into court, call witnesses, work with experts, take depositions, and have direct client contact is invaluable." At the same time, she says, volunteering helps the litigant and the court.

The court provides resource materials to pro bono attorneys, and a pro bono committee administers a fund that enables attorneys to recoup certain out of pocket expenses. As co-chair of the Pro Se/Pro Bono Committee of the Western District Bar Association, Ms. Feinstein also offers guidance and assistance to other attorneys taking on pro bono matters.

Volunteers can enlist to take a full case or to handle a limited appointment for a specific purpose by signing up online at: https://www.wiwd.uscourts.gov/sites/default/files/Pro_Bono_registration.pdf. Descriptions of the cases in which the court is seeking volunteers are also available online at: <https://www.wiwd.uscourts.gov/available-pro-bono-cases>.

The court recognizes the critical contributions of pro bono counsel on the Pro Bono Representation page of its website, <https://www.wiwd.uscourts.gov/pro-bono-representation>. In addition, pro bono attorneys can claim up to six CLE credits per reporting period for pro bono work pursuant to Wisconsin SCR 31.05(7).

Send Us Your E-Mail

The Association is now equipped to provide many services to its members via e-mail. For example, we can send blast e-mails to the membership advertising up-coming events, or we can send an electronic version of articles published in The Circuit Rider.

We are unable to provide you with these services, however, if we don't have your e-mail address. Please send your e-mail address to changes@7thcircuitbar.org.