

LOCAL RULE 83.7  
APPOINTMENT OF COUNSEL

In those civil cases in which the Court deems it necessary to appoint counsel to represent a party proceeding in forma pauperis (see 28 U.S.C. § 1915), such appointment shall be accomplished by random selection from a list of all actively practicing private attorneys enrolled in the District in which the case is pending. Prospective appointees will be informed by telephone of their selection, when possible, so as to avoid appointment of an attorney who is not actively engaged in the private practice of law. However, in the event an enrolled attorney not actively engaged in the private practice of law is appointed, such attorney may request leave to withdraw within twenty-one (21) days of such appointment. The Court will depart from this random appointment procedure when the extraordinary nature or exigency of the circumstances suggests that an alternate means of selection is necessary. These appointments shall be mandatory.

The original attorney appointed may arrange for substitute counsel to appear in behalf of the party, but such substitution must be made in writing and filed with the Court not later than twenty-one (21) days after the entry of the original appointment order. This substitution will not relieve the substituted counsel from serving as appointed counsel in any subsequent case when he/she would otherwise be selected at random.

Upon written application filed within twenty-one (21) days of the original appointment order, an attorney may request leave of the Court to withdraw if he/she represents (1) that he/she has actively participated in furnishing pro bono legal services (e.g., membership in a pro bono legal organization); and (2) that he/she has, in the last twelve (12) months, actually represented a pro bono client(s) in either (a) litigation, or (b) a non-litigation matter which the attorney can certify required the expenditure of a minimum of twenty (20) hours of time.

If, after interviewing the client, investigating the facts, and researching the applicable law, an appointed attorney is convinced that the party's legal position is non-meritorious, the appointed attorney may petition the Court for leave to withdraw. Such petition to withdraw must be filed within sixty (60) days of the appointment order. If the attorney is allowed to withdraw, his/her name may be restored to the list of enrolled attorneys subject to future appointment.

For good cause shown (e.g., geographic, time, or expertise factors), an appointed attorney may request the Court to select an additional attorney to serve as co-counsel in an investigative or trial capacity.

Local Rules of the United States District Court for the Eastern and Western Districts of Arkansas

In the event attorneys enrolled in the Eastern and Western Districts of Arkansas desire to volunteer their services prior to receiving notification of an actual appointment, they may do so by writing the Clerk's Office, 600 W. Capitol Avenue, Room A-149, Little Rock, Arkansas, 72201-3325, or the Clerk's Office, P. O. Box 1547, Fort Smith, Arkansas, 72902-1547, and notifying the Court of their willingness to have their names advanced on the list of attorneys to be appointed. Attorneys volunteering in this manner will be exempt from future appointments under this Local Rule for two years from the date of any actual appointment received.

Adopted and effective May 5, 1987

Amended November 10, 2009