

Arizona Court of Appeals Pro Bono Program

Guide for Self-Represented Parties

PROGRAM OVERVIEW

The Arizona Court of Appeals Pro Bono Program (“Program”) provides pro bono counsel to self-represented parties in cases selected by the Court to assist it in resolving those matters more effectively. The Court selects cases that present issues of first impression or some complexity or cases otherwise warranting more developed briefing and oral argument. Inclusion of a case in the Program does not constitute an opinion by the Court about the merits of the appeal.

SELECTION OF APPEALS FOR THE PROGRAM

A case may be selected for participation in the Program at any time. The Court typically identifies candidates for the Program (1) during the court’s initial jurisdictional review, (2) during motion practice, or (3) after the matter has been assigned to a merits panel for resolution.

A self-represented party may request that the Court consider an appeal for the Program by filing a Request to Participate in Pro Bono Program form [see Appendix 1] in the relevant appeal. The Court will review the request and the record to determine whether the appeal is appropriate for the Program. Only appeals selected by the Court will be placed in the Program. The Court does not allow parties to request that it consider special actions for inclusion in the Program.

PROCESS OF APPOINTING COUNSEL

After an appeal is included in the Program, the Court will stay (i.e., pause) the appeal to allow time for counsel to be appointed.

The Court works with a volunteer attorney (called the Pro Bono Attorney Coordinator), who organizes volunteer attorneys for the Program. Once the Court selects an appeal for the Program, the Pro Bono Attorney Coordinator locates an available attorney. Only qualified attorneys will be assigned. A self-represented party may not choose which attorney will represent them in the appeal.

The assigned attorney will contact the self-represented party to discuss the appeal. If, after that discussion, Pro Bono Counsel determines that there are arguable issues in the appeal, he or she will give the self-represented party a letter outlining terms of the representation. The self-represented party must sign this letter to signify agreement. The attorney will then file with the Court a notice of appearance as counsel for the party.

If, however, Pro Bono Counsel determines that there are no arguable issues in the appeal, he or she may decline the appointment. In this instance, counsel must notify the Pro Bono Attorney Coordinator who, in turn, notifies the Court. No other Pro Bono Counsel will be appointed in this situation, and the Court will remove the appeal from the Program.

In addition, even after filing a notice of appearance, Pro Bono Counsel may move to withdraw based on any of the established grounds for doing so, and the

Court will freely grant such a motion. If the withdrawal is granted, the Court generally will not appoint another Pro Bono Counsel and will remove the appeal from the Program.

The Court will still consider the merits of an appeal that has been removed from the Program.

SCOPE OF APPOINTMENT

The Court will only appoint Pro Bono Counsel to represent a party in the appeal that was selected for the Program. Accordingly, the appointment only includes the handling of the appeal and the drafting of a motion to reconsider (if requested by the client), but does not include the preparation and filing of a petition for review by the Arizona Supreme Court or any other proceedings in any other court or agency unless specifically ordered by this Court or separately agreed upon between Pro Bono Counsel and the client.

The Court does not reimburse parties or Pro Bono Counsel for attorneys' fees or any expenses incurred in participating in the Pro Bono Program.

Appendix 1

INFORMATION AND INSTRUCTIONS TO FILE A REQUEST TO PARTICIPATE IN PRO BONO PROGRAM

The Arizona Court of Appeals Pro Bono Representation Program provides pro bono counsel to self-represented parties in selected cases. The Program's goal is to enhance the court's review of the designated cases, provide representation to self-represented litigants, and offer a valuable learning experience for attorneys.

Administrative Order 2020-06 authorizes parties to request that the Court select their appeal for the Program. Not all cases will be selected. The Court will only choose an appeal for the Program if it presents an issue of first impression or some complexity or it otherwise warrants more developed briefing and oral argument.

To request that the Court consider an appeal for the Program, a party must file a written request with the Clerk's Office before the reply brief is filed or the deadline to file the reply brief passes. The request must be served on all other parties. The Court will issue an order whether the request is granted or denied. Parties must continue to file documents and meet deadlines while a request is pending. A party may file only one request per case.

Parties may use the following form. Please provide a summary of the underlying case, including the ruling being appealed, and why you think the case is appropriate for the Program.

ARIZONA COURT OF APPEALS

DIVISION _____

[Name of Plaintiff/Petitioner]

___ CA- _____
[appellate case number]

[Appellant or Appellee]

[County name] Superior Court

v.

Case No. _____
[Superior court case number]

[Name of Defendant/Respondent]

[Appellant or Appellee]

REQUEST TO PARTICIPATE IN PRO BONO PROGRAM

_____ [name] requests to participate in the Pro Bono Program.

Appellant appeals from a final order/judgment filed on _____ [date]. This appeal involves _____

_____ [name] believes this appeal is appropriate for the Program because

Dated: _____

[signature]

Name

Address

CERTIFICATE OF SERVICE

Copy of this Request was served by

[Method: mail, email, hand-delivered]

to the following:

[Name]

[Address]

[Email address if applicable]