

UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT

LOCAL RULES OF BANKRUPTCY PROCEDURE

APPENDIX P

LOCAL RULE 9083-6 PRO BONO PANEL PROCEDURES

TABLE OF CONTENTS

1. Definition of Pro Bono Panel.....	1
2. List of Attorneys.....	2
3. Panel Administrator.....	3
4. Conditional Referral Procedure for Chapter 7 cases.....	4
5. Responsibilities of the Conditionally Referred Attorney and Pro Bono Client.....	5
6. Relief From Designation or Representation By Pro Bono Counsel.....	6
7. Discharge by Pro Bono Client.....	6
8. Expenses.....	7
9. Compensation for Services.....	7
10. Duration of Representation.....	7
11. Reporting.....	8

1. Definition of Pro Bono Panel.

The Pro Bono Panel is established pursuant to Local Rule 9083-6. The Panel is divided into two Sections as set forth in Paragraph 2(a), and, except as set forth in Paragraph 2(d) of this Appendix, consists of attorneys who have been admitted to practice in the United States District Court for the District of Connecticut and the United States Bankruptcy Court for the District of Connecticut (the “Court”), have a primary office in this District, are in good standing, have a CM/ECF login and password in this Court, and have registered for inclusion in the Panel pursuant to Paragraph 2. Any member of the bar, otherwise qualified, may request inclusion on the Panel, either in one or both Sections and upon inclusion, shall be considered a Panel Attorney for purposes of Local Rule 9083-6. Attorneys who are members of the committee comprising the Panel Administrator as provided for hereinafter, at their option, to be considered exempt from appointment and service on the Panel, but in recognition of their service as a Panel Administrator

shall be deemed to have contributed equally to the pro bono service contemplated by Local Rule 9083-6 (b) for the calendar year in which they served.

2. List of Attorneys

- a.** The Court and the Commercial Law & Bankruptcy Section of the Connecticut Bar Association (the “CBA Section”) encourage participation in the Panel pursuant to Local Rule 9083-6. The CBA Section (or a committee or organization designated and responsive to the CBA Section) shall act as the Panel Administrator. The Panel Administrator will prepare and maintain the list of qualified volunteer attorneys for inclusion on the Panel consistent with Paragraph 1, to be grouped according to the two Sections as noted below. An attorney included in Section One of the Panel (a “Section One Attorney”) shall be eligible for appointment to represent an individual debtor recommended by the Panel Administrator in a Chapter 7 case. An attorney included in Section Two of the Panel (a “Section Two Attorney”) shall be eligible for appointment only to represent a qualified individual debtor in contested matters and a qualified individual in adversary proceedings. If any adversary proceeding or contested matter is commenced in a case where the debtor is represented by a Section One Attorney, that attorney may notify the Panel Administrator of the need to appoint a Section Two Attorney to represent the debtor in connection with the adversary proceeding or contested matter or may elect to also represent the debtor in such adversary proceeding or contested matter. Based upon the criteria set forth herein, the Panel Administrator shall periodically review the list of Panel Attorneys, and shall from time to time work to supplement said list and to delete Panel member names from the list as necessary and appropriate. The Panel Administrator should work to achieve a goal of not requesting any Section One or Section Two Attorney to participate in more than four pro bono matters on an annual basis, absent the consent of such Panel Attorney. The Panel Administrator may disclose the names of Panel Attorneys and the number of cases that a Panel Attorney handled.
- b.** An application for qualified prospective Panel Attorneys or an email address to request to obtain an application shall be made available on the CBA webpage under the “For Members – Pro Bono – Bankruptcy Pro Bono Program” section on the [CBA’s website](#). The Panel Administrator may also request any information that will be of assistance in maintaining the Panel list or the process of assigning counsel from the Panel in accordance with Local Rule 9083-6 and such other parameters as the Panel Administrator in its discretion may reasonably adopt.
- c.** After inclusion as a member on the Panel, a Panel Attorney may withdraw from the Panel by requesting in writing that the Panel Administrator remove that Panel Attorney from the Panel, either temporarily or permanently. If the Panel Attorney is removed for a specified period, the Panel Attorney will ordinarily be reinstated at the expiration of that period. It shall be the responsibility of each Panel Attorney to timely update the Panel Administrator of any change of the employer name, mailing address, phone number, fax number and email address of such Panel Attorney and any change in their license or disciplinary status with the United

States District Court for the District of Connecticut, United States Bankruptcy Court for the District of Connecticut and the State of Connecticut Superior Court.

- d. The Court may authorize a clinical program, under the auspices of one or more law schools accredited by the American Bar Association and located in this District, through which law students may appear in and represent the Debtor in matters referred to the Panel if the law student is appropriately supervised by a qualified attorney instructor who is admitted to the United States District Court for the District of Connecticut, the United States Bankruptcy Court for the District of Connecticut, is in good standing, and has a CM/ECF login and password in this Court. Such law students and attorney instructor need not be a member of the Panel, but an attorney instructor seeking to have his or her clinical program participate in the referral of pro bono matters may do so by providing such information as may be requested by the Panel Administrator including the following: (i) the name, mailing address and website address of the law school administering the clinical program; (ii) the number of students involved in the clinical program; (iii) the practices of the clinical program in supervising participating students; (iv) the name, mailing address and website address, if any, of the attorney instructor, along with the attorney instructor's electronic mail address, phone number and facsimile number; (v) the firm or organization, if any, with which the attorney instructor is affiliated; (vi) the name and mailing address of the supervisor of the clinical program, along with the supervisor's electronic mail address, phone number and facsimile number; (vii) the number of years the attorney instructor has been admitted to practice; (viii) the attorney instructor's principal practice areas; (ix) the attorney instructor's experience in bankruptcy and/or litigation matters; (x) the ability of the attorney instructor and the clinical program to represent non-English speaking clients; (xi) the courts in which the attorney instructor is admitted to practice; and (xii) preference, if any, for appointment in a particular seat of the Court in Connecticut. Once approved, the clinical program's attorney instructors and specific law students being supervised by such instructors may be treated as members of the Panel by the Panel Administrator.

3. Panel Administrator

In furtherance of the goals set forth herein, the Panel Administrator may, as it deems necessary, engage the services of a public service entity (e.g., Statewide Legal Services of Connecticut, Inc.) ("Public Service Entity") to assist the Panel Administrator with any obligation or task or delegate such obligation or task related to or concerning the pro bono program set forth under Local Rule 9083-6, including, but not limited to the application process, maintenance, screening and assignment of requests from qualified individuals seeking the services of pro bono representation. In addition, the Panel Administrator shall cause to be made available the contact information for the Panel Administrator and the Public Service Entity on the Court's website, the web page of the CBA Section or the [CBA's website](#).

The CBA, CBA Section (including any subcommittee), the Public Service Entity and any Panel Administrator (including any individual members of the Panel Administrator) shall not be

responsible for supervising or monitoring Panel Attorneys and shall have no responsibility or liability to any applicant or to any individual who has received or requested pro bono counsel assistance pursuant to or in connection with the pro bono program provided for under or in connection with Local Rule 9083-6.

4. Conditional Referral Procedure for Chapter 7 cases

- a.** Individuals seeking assistance with chapter 7 bankruptcy cases only may request Pro Bono Counsel pursuant to this Rule. Except as may otherwise be provided herein, to initiate such request, such individuals must first satisfy certain criteria and they shall fully complete the Panel Administrator's application, including all requested financial disclosures, and qualification documents as may be requested by or adopted from time to time by the Panel Administrator, and timely submit such completed documentation to the Panel Administrator. A Panel Attorney will be considered only for individual debtors or married couples who are unable to afford counsel, and who have fully and accurately completed the application and provided the documentation requested by the Panel Administrator in a manner consistent with any protocol and financial limitations adopted by the Panel Administrator. Such protocol may include both asset and income limitations as the Panel Administrator in its discretion may adopt from time to time and may incorporate available standards such as the Poverty Guidelines adopted and published by the United States Department of Health and Human Services. All applicants seeking the conditional referral of a pro bono counsel must demonstrate their inability to afford counsel by first consulting in good faith with at least two bankruptcy lawyers in Connecticut and providing the names of those lawyers, the dates of consultation and proposed terms of representation they were unable to afford as part of the application for pro bono counsel. Local Rule 9083-6 is not intended to provide any individual with a right to have counsel appointed.
- b.** The Panel Administrator will consider the designation of counsel from the Panel for appointment based upon such factors as the Panel Administrator may adopt, including but not limited to the division of Court to which a case may be assigned and the nature and complexity of the matter in which the Pro Bono Counsel is to represent the prospective client. Panel Attorneys may be conditionally referred either before or after a potential pro bono client has filed a petition for relief under or is involved in a chapter 7 case under Title 11 of the U.S. Code.
- c.** Subject to such other requirements as may be contained herein which are not inconsistent with this subsection (4)(c), an Attorney who is included in the list of Panel Attorneys and without the prospective pro bono client being otherwise required to make application as otherwise provided for herein or strictly satisfying the financial criteria for consideration under the Rule, this Appendix P, and the Application for Appointment of Attorneys form utilized by any Public Service Agency charged with vetting qualifications for assignment of Pro Bono Counsel, may agree to undertake pro bono representation of clients who in the opinion of the Panel Attorney, and with the concurrence of the Panel Administrator, if it has

concluded that the prospective client qualifies for pro bono representation. Upon accepting a pro bono representation assignment under this subsection (c) the Panel Attorney shall notify the Panel Administrator that he or she has commenced work on the assignment, and further notify the Panel Administrator upon the completion of representation of the pro bono client. It shall be the responsibility of the Panel Attorney, and a pre-condition of accepting a pro bono client under this provision, to obtain the client's execution of an acknowledgment, waiver and release in substantially the form utilized in the "Application for Appointment of Attorneys" utilized by the Public Service Entity, which form will be provided to the Panel Attorney by the Panel Administrator.

5. Responsibilities of the Conditionally Referred Attorney and Pro Bono Client

- a.** After the Panel Administrator has sent written notice of an attorney designated from the Panel to the prospective Pro Bono Client, the prospective Pro Bono Client shall have the sole responsibility for promptly contacting the designated Pro Bono Counsel, to make an appointment with Pro Bono Counsel to discuss their situation, to confirm representation and to advise the Pro Bono Counsel of any and all upcoming deadlines and hearing dates and to be responsive, cooperative and to provide assistance to counsel. Upon being notified by the prospective Pro Bono Client, Pro Bono Counsel shall determine as soon as practicable whether or not counsel will accept the representation so as to permit another conditional referral to be made, if necessary. Proposed Pro Bono Counsel and Pro Bono Client should ordinarily enter into a written pro bono engagement agreement and proposed Pro Bono Counsel may require client to execute an engagement agreement before commencement of representation. Representation of a Pro Bono Client by Pro Bono Counsel may be limited by counsel in such engagement agreement and shall not extend to appeals or other matters in contest of any judgment or order unless the Pro Bono Counsel specifically agrees in writing and in advance to undertake such representation. A notice of appearance or Statement filed pursuant to FRBP 2016 filed by Pro Bono Counsel may disclose that counsel has been referred by the Panel Administrator as Pro Bono Counsel, and, if appropriate, specify the discrete matter or matters upon which Pro Bono Counsel is to represent the client and further state that all pleadings and other papers shall continue to be served upon the client as well as upon Pro Bono Counsel. Pro Bono Counsel should send a copy of any notice of appearance filed on behalf of the Pro Bono Client to the Panel Administrator.
- b.** Unless specifically stated otherwise, appearance of Pro Bono Counsel conditionally referred by the Panel Administrator is presumed in all cases to exclude representation in any appeals from any judgment, order or decision rendered in the matter and in any adversary proceedings, and Pro Bono Counsel shall not be required to undertake such representation absent the specific prior written consent of Pro Bono Counsel.

- c. The appearance of counsel resulting from the certification by counsel to the Debtor on a voluntary petition for relief under Title 11 shall constitute a notice of appearance for purposes of Local Rule 9083-6.

6. Relief From Designation or Representation By Pro Bono Counsel

- a. Prior to filing a notice of appearance or filing a bankruptcy petition, if counsel does not wish to accept a conditional referral or otherwise decline or terminate a referral for any reason, or upon the prospective client's request, counsel shall promptly inform the Panel Administrator, who will endeavor to conditionally refer the case to another Panel Attorney, unless the termination or declination by counsel was for cause. In the event no Panel Attorney accepts the referral, the Panel Administrator shall so inform the individual and the Clerk if the Panel Administrator is aware of a pending bankruptcy matter involving that individual, and no further attempts at referral shall be required.
- b. Subsequent to filing a notice of appearance, Pro Bono Counsel may apply pursuant to the Court's Local Rules (including Local Rule 9083-6) to be relieved as counsel on any appropriate grounds.
- c. In addition to the grounds and procedures set forth under the Local Rules for withdrawal as counsel in a pending matter, if Pro Bono Counsel at any time determines that the Pro Bono Client is not qualified for pro bono representation in accordance with Local Rule 9083-6 and the applicable parameters established by the Panel Administrator, Pro Bono Counsel may and is authorized to (1) so notify the Pro Bono Client and the Panel Administrator, and may proceed to move pursuant to applicable rules, upon this basis alone, to withdraw from any matter in which an appearance has been filed, and/or to (2) terminate representation in matters in which an appearance has not yet been filed by Pro Bono Counsel and to advise the Panel Administrator and the Pro Bono Client of termination. Pro Bono Counsel may and is authorized to, but shall not be required, to disclose confidential information that supports such determination by Pro Bono Counsel. If Pro Bono Counsel determines for any reason that such counsel must withdraw an appearance, Pro Bono Counsel should also notify the Panel Administrator in writing.

7. Discharge by Pro Bono Client

A Pro Bono Client, for whom Pro Bono Counsel has filed an appearance, may request the Court, on the record in open Court or in writing, to discharge Pro Bono Counsel from such representation. The Pro Bono Client shall contemporaneously serve a copy of any such written request on Pro Bono Counsel. Upon such request, the order discharging Pro Bono Counsel will ordinarily be granted and the Pro Bono Client shall duly inform the Panel Administrator and may request designation of successor Pro Bono Counsel. In the event no Panel Attorney is designated or accepts the designation, the Panel Administrator shall so inform the Pro Bono Client and the Clerk and no further attempts to refer the matter shall be required.

8. Expenses

There being no public funds available for the purpose, Pro Bono Counsel or the firm in which such counsel is employed, may in their sole discretion, but shall not be not required to, advance the expenses of the Pro Bono Client in or for the matter consistent with the provisions of Rule 1.8(e) of the Rules of Professional Conduct. Pursuant to any outstanding protocol adopted by the Court and/or the Panel Administrator, Pro Bono Counsel may request reimbursement of such expenses from funds or sources that may be available for that purpose, or from the Pro Bono Client consistent with Paragraph 9.

9. Compensation for Services

- a.** Subject to Paragraph 9(c), no fee payment shall be demanded or accepted in connection with the services rendered by Pro Bono Counsel on matters for which such counsel has agreed to represent the client on a pro bono basis based on the conditional referral by the Panel Administrator, unless in circumstances where assets become or are available to the individual or the individual's financial circumstances improve during the term of such representation.
- b.** Upon appropriate application by Pro Bono Counsel, and taking into consideration counsel's initial agreement to take the matter without compensation, the Court may award fees and/or expenses to Pro Bono Counsel or law firm for services rendered, as permitted by applicable law, and to the extent necessary and appropriate, any such fees previously advanced by other sources, shall be reimbursed to that other source, in circumstances where there is an increase of assets of the client and/or an improvement of financial circumstances of the client.
- c.** If, after conditional referral, Pro Bono Counsel discovers that the Pro Bono Client is able to pay for legal services, counsel may disclose this information to the attention of the Panel Administrator and the Court. Upon appropriate motion, if an appearance has been filed, the Court may relieve Pro Bono Counsel from the representation and permit the party to retain other counsel or proceed pro se, or to permit Pro Bono Counsel to negotiate a suitable fee arrangement with the client.
- d.** If, after appointment, Pro Bono Counsel discovers that the Pro Bono Client is able to pay for legal services or has other parties willing to pay for same, Pro Bono Counsel may negotiate a suitable fee arrangement with client reduced to writing so as to comply with Section 1.5 of the Rules of Professional Conduct.

10. Duration of Representation

- a.** Subject to the provisions of the applicable Local Rules or order of the Court, Pro Bono Counsel's representation the Pro Bono Client in connection with a matter in which an appearance has been filed terminates on the earlier of the date (i) a final order or judgment is entered in the matter, (ii) the case is closed, or, (iii) counsel has been relieved from representing the client further by the Court. If the

bankruptcy case is continuing after the matter is concluded, counsel shall inform the Pro Bono Client in writing with a copy to the Panel Administrator, that counsel's responsibilities have concluded.

- b. Except as set forth in Local Rule 9083-6, nothing in these rules shall be read to affect: (i) an attorney's responsibilities under the Rules of Professional Conduct or applicable law; or (ii) the manner in which and to whom a notice of appearance or notice of withdrawal must be given under the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules, or any order of the Court in the particular bankruptcy case.
- c. A Panel Attorney shall not be considered a “debt relief agency” under 11 U.S.C. §101(12A) solely on account of being a member of the Panel or representing one or more Pro Bono Clients pursuant to Local Rule 9083-6.

11. Reporting

- a. No later than October 31 of each year, the Panel shall file with the Chief Judge and the Clerk of Court an Annual Pro Bono Panel Summary Report that contains:
 - 1. number of total applications for pro bono representation received by the Panel,
 - 2. number of cases referred to Panel Attorneys,
 - 3. number of cases that received Panel Attorney representation under section 4(c) of this Appendix;
 - 4. a disposition summary of all the cases that received Panel Attorney representation (i.e., discharge received, dismissal, discharge of counsel by Pro Bono client, abandonment of case by Pro Bono Client, etc.);
 - 5. a summary of the number of reimbursement requests by Panel Attorneys submitted under Section 9 of this Appendix; and
 - 6. a summary of the total amount of reimbursement paid to Panel Attorneys.
- b. The report will be due annually on October 31 and shall include information about applications submitted to the Panel within the 12-month period of October 1 of the prior year through and including September 30 of the current year of the filing of the report.
- c. The report shall not contain reference to case numbers, names, or otherwise identify parties or attorneys.
- d. The report is intended to provide the Court with a snapshot of the activity before the Panel.