

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

GLORIA A. BUNCH

PLAINTIFF

v.

Case No. 4:11CV00869 KGB

**UNIVERSITY OF ARKANSAS
BOARD OF TRUSTEES**

DEFENDANT

ORDER

The Court received a letter from plaintiff Gloria A. Bunch, which she represents as having been mailed on January 26, 2013, to the wrong address for the Court and then mailed again on February 26, 2013, to the Court. In her letter, Ms. Bunch requests the following: (1) that Mr. Luther Sutter be re-appointed to represent her in this matter, (2) that the Court conduct a private phone conference with Ms. Bunch and Mr. Sutter regarding representation, (3) that, if Mr. Sutter is not appointed, her case be put “on hold” status “as a reasonable accommodation” “per MD requests,” or in the alternative, (4) that Mr. Austin Porter be appointed as counsel.

The Court is guided by the Federal Rules of Civil Procedure and the Local Rules of the Eastern District of Arkansas. Pursuant to Local Rule 83.7, in those civil cases in which the Court deems it necessary to appoint counsel to represent a party proceeding *in forma pauperis* (28 U.S.C. § 1915), such appointment shall be accomplished by random selection from a list of all actively practicing attorneys enrolled in the District in which the case is pending. By prior Order, the Court determined that Ms. Bunch should be appointed counsel in this matter (Dkt. No. 51). Based upon the procedure outlined by the Local Rule, the Court will not appoint the

counsel Ms. Bunch specifically requests. Instead, Ms. Bunch will be appointed counsel through the random selection process pursuant to Local Rule 83.7.¹

The Court previously appointed Larry W. Burks (Dkt. No. 62). On March 18, 2013, Mr. Burks sent a letter to the Court requesting that he be relieved as counsel because he has “retired from the practice of law.” For good cause shown, Mr. Burks is terminated as counsel of record for plaintiff. The Clerk is directed to terminate Mr. Burks as counsel of record for Ms. Bunch. The Court in this Order appoints new counsel for Ms. Bunch – Donna S. Galchus of the firm Cross, Gunter, Witherspoon & Galchus, P.C.

Ms. Bunch also states the following in her letter to the Court: “MOYION [sic] TO OPPOSE (SUMMARY JUDGMENT TO DEFENDANT) due to FACTS and EVIDENCE of (UNDISPUTED MATERIAL EVIDENCE)”. This reference is unclear. There is no pending motion for summary judgment before the Court in this matter. Therefore, Ms. Bunch’s motion to oppose summary judgment is denied as moot.

IT IS THEREFORE ORDERED,

(1) That Ms. Bunch’s requests: (1) that Mr. Luther Sutter be re-appointed to represent her in this matter, (2) that the Court conduct a private phone conference with Ms. Bunch and Mr. Sutter regarding representation, (3) that, if Mr. Sutter is not appointed, her case be put “on hold” status “as a reasonable accommodation” “per MD requests,” or in the alternative, (4) that Mr. Austin Porter be appointed as counsel are denied.

(2) That Mr. Larry W. Burks be relieved as counsel for Ms. Bunch.

¹ Ms. Bunch may approach any lawyer she wishes, including but not limited to Mr. Sutter and Mr. Porter, in an effort to determine whether that lawyer will take her case. The Court will not involve itself in those discussions between an attorney and a potential client, but there is nothing in this Court’s Order that should be construed as prohibiting such a contact initiated and conducted by Ms. Bunch or someone acting on Ms. Bunch’s behalf.

(3) That Ms. Bunch's motion to oppose summary judgment is denied as moot.

IT IS FURTHER ORDERED that, pursuant to Local Rule 83.7, Donna S. Galchus of the firm Cross, Gunter, Witherspoon & Galchus, P.C., P.O. Box 3178, Little Rock, Arkansas 72203, telephone number (501) 371-9999, is hereby appointed to represent Ms. Bunch. The Clerk of Court is directed to send Ms. Bunch and Ms. Galchus *via certified mail* a copy of this Order and a copy of Local Rule 83.7.

SO ORDERED this 4th day of April, 2013.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE