

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 09-cv-0040-WJM-KMT

GERALD HANSEN ELLER,

Plaintiff,

v.

TRANS UNION LLC, a Foreign corporation,

Defendant.

**ORDER DIRECTING CLERK OF COURT TO
ASSIST IN LOCATING VOLUNTEER COUNSEL**

This matter comes before the Court *sua sponte*. The record reflects that Plaintiff is proceeding in this case *pro se* and at this point in the proceedings the case is ready to be set for trial. In order to ease the burden Plaintiff faces moving forward the Court, exercising its discretion, intervenes at this juncture to assist in locating volunteer counsel.

The Court has broad discretion to direct the Clerk of Court to attempt to obtain volunteer counsel for a plaintiff in a civil case. See *DiCesare v. Stuart*, 12F.3d 973, 979 (10th Cir. 1993). The following factors are considered by the Court when determining this issue in a case of this type: (1) the merits of the litigant's claims, (2) the nature of the factual issues raised in the claims, (3) the litigant's ability to present his claims, and (4) the complexity of legal issues raised by the claims. See *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995).

At this point in the proceedings, Plaintiff faces the prospect of conducting a jury trial before the Court without legal assistance. The Court takes judicial notice of Plaintiff's limited ability to try a case before a jury in federal court, as well as the extraordinary difficulty he faces as a layperson in dealing with the complex legal and factual issue which will arise at a jury trial, not the least of which being conducting adequate *voir dire* of potential jurors, properly examining friendly and hostile witnesses, adequately responding to a motion under Fed.R.Civ.P. 50, and drafting and objecting to jury instructions. The Court further finds that under the factors set forth in *Rucks*, 57 F.3d at 979, the interest of justice are best served by exercising its discretion in favor of assisting Plaintiff in his efforts to locate volunteer counsel to represent him in this case.

Accordingly, the Court DIRECTS the Clerk of the Court, Attorney and Legal Services, to make, soon as practicable, a good faith effort to locate volunteer private counsel to represent Plaintiff for the remainder of these proceedings.

It is SO ORDERED.

Dated this 12th day of January, 2012.

BY THE COURT:



William J. Martínez
United States District Judge