

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JEROME L. COOPER,

Plaintiff,

v.

**COMMISSIONER OF
SOCIAL SECURITY,**

Defendant.

CIVIL ACTION NO. 16-cv-13477

DISTRICT JUDGE VICTORIA A. ROBERTS

MAGISTRATE JUDGE MONA K. MAJZOUN

**OPINION AND ORDER DENYING PLAINTIFF'S APPLICATION FOR LEAVE TO
PROCEED WITHOUT DESIGNATION OF LOCAL COUNSEL [11]**

This matter comes before the Court on Plaintiff's October 17, 2016 Application for Waiver of Local Counsel (docket no. 11). Defendant has not responded to Plaintiff's Application. This action has been referred to the undersigned for all pretrial purposes. (Docket no. 4.) The Court has reviewed the pleadings and dispenses with oral argument pursuant to Eastern District of Michigan Local Rule 7.1(f)(2). The Court is now ready to rule pursuant to 28 U.S.C. § 636(b)(1)(A).

Eastern District of Michigan Local Rule 83.20(f)(1) provides:

A member of the bar of this court who appears as attorney of record in the district court and is not an active member of the State Bar of Michigan must specify as local counsel a member of the bar of this court with an office in the district. Local counsel must enter an appearance and have the authority and responsibility to conduct the case if non-local counsel does not do so. On application, the Court may relieve an attorney who is not an active member of the State Bar of Michigan of the obligation to specify local counsel.

Plaintiff's counsel, Ms. Meredith E. Marcus, is an attorney at Daley Disability Law, a Chicago-based firm that focuses primarily on social security disability benefit cases. According to the firm's website, she is a member of the State Bar of Illinois, but not Michigan. She seeks to be relieved from the general requirement to specify local counsel under Local Rule 83.20(f)(1).

In support of her request, Plaintiff's counsel indicates she "has litigated over 50 cases in her name in the Eastern District of Michigan since 2013," and that the partner of her firm, Mr. Frederick J. Daley, has filed over 200 cases in the Eastern District of Michigan since 2008. (Docket no. 11 at 1-2.) Thus, she contends that she is "well versed in the Eastern District of Michigan Local Rules and ECF Filing system as well as the Sixth Circuit case law on social security disability." (*Id.* at 2.) She further asserts that the instant Social Security appeal will be decided based on a review of the record and the parties' motions, and that any scheduled appearances or oral arguments can be, and typically are, handled via telephone, which should diminish any concern about her lack of physical presence in the Eastern District of Michigan. (*Id.* at 2-3.) Finally, Plaintiff's counsel asserts that "there are not many attorneys willing to take social security matters to federal court," and that Daley Disability Law is "often contacted by firms in Michigan" to determine if a lawyer is available to handle a case. (*Id.* at 3.)

While Plaintiff's counsel's claimed attributes seem to lessen the need for local counsel in this matter, there are no extraordinary circumstances present that warrant a deviation from the Local Rule. Accordingly, the Court will not exercise its discretion to waive the local counsel requirement in this matter.

In the alternative, Plaintiff's counsel requests 14 days to secure local counsel for this matter, until October 31, 2016, because the local counsel she typically employs is unavailable

due to health reasons. (*Id.*) Because today is October 31, 2016 the Court will grant an additional week until November 7, 2016.

IT IS THEREFORE ORDERED that Plaintiff's Application for Waiver of Local Counsel [11] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff have local counsel file an appearance with this Court on or before November 7, 2016.

NOTICE TO THE PARTIES

Pursuant to Federal Rule of Civil Procedure 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: October 31, 2016

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon counsel of record on this date.

Dated: October 31, 2016

s/ Lisa C. Bartlett
Case Manager