

-PS-O-

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

---

DARON DRISCOLL,

Plaintiff,

-v-

OFFICER RYDIRICK, et al.,

Defendants.

---

---

**DECISION and ORDER**  
11-CV-0674S

Plaintiff has filed a *pro se* complaint under 42 U.S.C. § 1983 and has requested appointment of counsel pursuant to 28 U.S.C. § 1915(e)(1). This Court is required to see that all litigants receive proper representation of counsel under the criteria set forth in *Cooper v. A. Sargenti Co.*, 877 F.2d 170 (2d Cir. 1989), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986). In addition, courts have the inherent authority to assign counsel to represent private indigent litigants. See *In re Smiley*, 36 N.Y.2d 433, 438 (1975).

Additionally, each lawyer — especially those who are admitted to practice in federal court and who therefore are in a position to reap the benefits of such practice — has a professional obligation to provide *pro bono* services for the poor. See New York Rules of Professional Conduct, Rule 6.1. In addition, Rule 83.1(f) of the Local Rules of Civil Procedure provides as follows:

Every member of the bar of this Court who maintains, or whose firm maintains, an office in this District, shall be available upon the Court's request for appointment to represent or assist in the representation of indigent parties. Appointments under this Rule shall be made in a manner such that no Member shall be requested to accept more than one appointment during any twelve-month period.

It is in this spirit that the Court assigns John G. Horn, Esq. and Denise M. Brown, Esq. of Harter Secrest and Emery LLP, 12 Fountain Plaza, Suite 400, Buffalo, New York 14202, *pro bono*, to faithfully and diligently represent plaintiff in this case.

The Clerk of the Court is directed to forward a copy of this order and the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel to Mr. Horn and Ms. Brown.<sup>1</sup> The Chief Judge of the Court will also issue an Order directing PACER to waive its fees so both *pro bono* counsel can access and print, at no cost to them or their firm, any other documents filed herein that they may need.

Counsel is directed to appear at the next scheduled conference in this matter on **July 25, 2013 at 9:00 am** at the Buffalo Courtroom, Ninth Floor, United States Courthouse, 2 Niagara Square, Buffalo, New York 14202. As discussed with Defendant's attorney and Plaintiff at the last status, the attorneys in this case are encouraged to contact each other in advance of the July 25, 2013 status conference.

SO ORDERED

Dated: June 24, 2013  
Buffalo, New York

s/William M. Skretny  
WILLIAM M. SKRETNY  
Chief Judge  
United States District Court

---

<sup>1</sup>This information and the forms are also available on the Court's web site at the Attorney Information link from the home page located at: <http://www.nywd.uscourts.gov/pro-bono-program-district-court-fund>.