

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH JACKSON (05-B-1287),

Plaintiff,

v.

CHRISTOPHER MONIN and
ERIC WAGNER,

Defendants.

ORDER

13-CV-4-V

The plaintiff has filed a *pro se* complaint under 42 U.S.C. § 1983 and has requested the appointment of counsel pursuant to 28 U.S.C. § 1915(e)(1). This Court is required to see that all litigants receive the proper representation by 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). Courts also have the inherent authority to assign counsel to represent private indigent litigants. See *In re Smiley*, 36 N.Y.2d 433, 438 (1975).

Moreover, lawyers — especially those who are admitted to practice in federal court and who therefore are in a position to reap the benefits of such practice — have 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 Western District of New York Local Rules of Civil Procedure provides that:

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 Richard T. Sullivan, Esq., and Nathan J. Geary, Esq., Harris Beach PLLC, Larkin @ Exchange, 726 Exchange Street, Suite 1000, Buffalo, New York 14210, to faithfully and diligently represent the plaintiff, *pro bono*, in this case.

The Clerk of Court is directed to copy that portion of the file in this matter that is not currently available through PACER on the Court's Case Management/Electronic Case Management System; a copy of this order; and the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel, and to send them to Mr. Sullivan and Mr. Geary.¹ The Chief Judge of this Court will issue an Order directing PACER to waive its fees so that *pro bono* counsel can access and print at no cost to them or their firm any other filed documents that they may need. A status conference with the Court is set for September 12, 2016, at 9:00 a.m. All counsel participating in the trial are expected to appear for the status conference.

IT IS SO ORDERED.

Dated: August 5, 2016
Buffalo, New York

s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

¹This 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>.