

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



MARIE M. STEIN,

Plaintiff,

-v-

ACTION FOR A BETTER COMMUNITY, INC.,

Defendant.

DECISION AND ORDER
10-CV-6587T(Fe)

Plaintiff has filed a pro se complaint under 42 U.S.C. § 2000e and has requested appointment of counsel pursuant to 42 U.S.C. § 2000e-5(f)(1) and 28 U.S.C. § 1915(e)(1). The 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). Courts have the inherent authority to assign counsel to represent private indigent litigants, see In re Smiley, 36 N.Y.2d 433, 438 (1975), and may also appoint counsel to assist indigent litigants pursuant to 28 U.S.C. § 1915(e)(1). The Court determines that assignment of counsel is warranted in this case.

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.

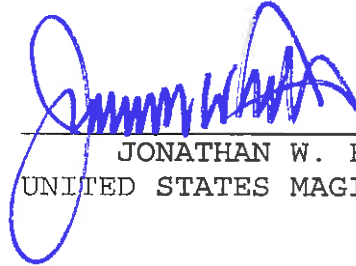
It is in this spirit that the Court assigns Michelle Y. Cimino, Esq., 20 Office Park Way, Suite 5, Pittsford, New York 14534, pro bono, to faithfully and diligently represent plaintiff in this case.

The Clerk of the 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 and send it to Michelle Y. Cimino, Esq. together with a copy of this Order and the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel.¹ The Chief Judge of the Court will also issue an Order directing PACER to waive its fees so pro bono counsel can access and print at no cost to them or their firm any other documents filed herein that they may need. Plaintiff's attorney is directed

¹This information and the forms are also available on the Court's web site at the Attorney Information link at: http://www.nywd.uscourts.gov/document/DCF_REIMB_VOUCHER.pdf

to contact the Court by August 17, 2011 to request a date for a status conference to discuss further proceedings in the case.

IT IS SO ORDERED.



JONATHAN W. FELDMAN
UNITED STATES MAGISTRATE JUDGE

Dated: July 18, 2011
Rochester, New York