

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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RONICCA ELLIS,

Plaintiff,

-vs-

DECISION AND ORDER

COUNTY OF MONROE, MONROE COUNTY  
DEPARTMENT OF HUMAN SERVICES,  
MONROE COUNTY WORK EXPERIENCE  
PROGRAM, 691 ST. PAUL STREET LLC,  
WILLIE C. WASHINGTON, and  
ROCHESTERWORKS, INC.,

16-CV-6788G

Defendants.

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On November 21, 2017, plaintiff filed a Verified Complaint in New York State Supreme Court for Monroe County. On December 6, 2016, this case was removed to the United States District Court for the Western District of New York pursuant 28 U.S.C. §1441 and §1446.

Under 28 U.S.C. § 1915(e), the Court may appoint counsel to assist indigent litigants, *see, e.g., Sears, Roebuck & Co. v. Charles Sears Real Estate, Inc.*, 865 F.2d 22, 23 (2d Cir. 1988), and the assignment of *pro bono* counsel in civil cases is within the trial court's discretion. *In re Martin-Trigona*, 737 F.2d 1254, 1260 (2d Cir. 1984).

Additionally, each lawyer -- especially those who are admitted to practice in federal court and who are, therefore, 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 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 (1) appointment during any twelve (12) month period.

Because the Court finds that appointment of counsel is warranted in this case, the Court assigns Clark J. Zimmermann, Jr., Esq. of Trevett Cristo, *pro bono*, to faithfully and diligently represent **defendant Willie C. Washington** in this case.

The Clerk of Court shall send a copy of this Order to counsel, along with this Court's Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel.<sup>1</sup> The Chief Judge of this Court will also issue an Order directing PACER to waive its fees so that *pro bono* counsel can access any other documents filed in this case that he may need. If any portion of the file in this matter is not available through PACER on the Court's Case Management/Electronic Case Management System, the Clerk of the Court shall provide a free copy of any such documents to *pro bono* counsel upon request.

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<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>.

A status conference with counsel relative to this matter is scheduled for **October 5, 2017**, at **11:40 a.m.**, before the undersigned.

**IT IS SO ORDERED.**

*s/Marian W. Payson*

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MARIAN W. PAYSON

United States Magistrate Judge

Dated: September 15, 2017  
Rochester, New York