

# United States District Court

Eastern District of Missouri  
Thomas F. Eagleton U.S. Courthouse  
111 South 10<sup>th</sup> Street  
St. Louis, Missouri 63102

Gregory J. Linhares  
Clerk of Court

314-244-7900

July 24, 2015

## ADR LIMITED SCOPE COUNSEL PRO BONO OPPORTUNITY

Attorneys in the Eastern District of Missouri have a unique opportunity to provide pro bono service to unrepresented civil litigants in the United States District Court. Local Rule 6.02 authorizes the appointment of counsel to provide limited scope representation for a litigant whose case has been referred by a judge to alternative dispute resolution. This program was suggested by the Court's Alternative Dispute Resolution Advisory Committee and was approved by the judges of the Court in June 2011. The rule became effective on September 1, 2011.

Mediation of a civil dispute is difficult when one party is represented by counsel but the other party is not. The neutral must be very careful to treat all parties fairly, preserving the impartiality of the process even when there is an imbalance in the negotiating abilities of the parties. An unrepresented party is at a distinct disadvantage when negotiating with an opponent who is assisted by an advocate trained in the law. An important balance is achieved when the judge makes an appointment of pro bono counsel to assist an unrepresented party in preparing for mediation and attending the negotiation sessions as an advocate for that party's interests. When both parties have legal counsel, a voluntary resolution through mediation is more likely to be reached and the outcome will be regarded as a fair result of balanced negotiations.

An appointment of counsel under Local Rule 6.02(C) is explicitly limited in scope to "providing legal advice and representation in preparation for and during the course of mediation or early neutral evaluation..." This rule tracks the requirements of Missouri Supreme Court Rule 4-1.02(c) for limited scope representation, including a requirement that the unrepresented party must agree to and acknowledge the nature of the limited scope representation. An attorney appointed to the ADR phase of a civil case can expect the typical representation to continue for about six weeks. All appointments under this rule require that the attorney be a member in good standing of the bar of the Eastern District of Missouri and that the attorney must agree to serve without compensation.

Any attorney interested in providing service in this program should contact the Clerk of Court at 314-244-7900.