



Lessons Learned From The Fifth Circuit Pro Bono Program

Pro Bono Lessons Learned - Panelists

Moderator

Michael J. Bentley – Bradley (Jackson, Miss.)

Panelists

Katherine Clark, Fifth Circuit Pro Bono Program Coordinator

J. Mark Little – Baker Botts (Houston, Tex.)

Candice L. Rucker – Bradley (Washington, D.C.)

Alysson L. Mills – Fishman Haygood (New Orleans, La.)

Katherine Clark – U.S. Fifth Circuit Pro Bono Program Coordinator

Overview

- Created in 2017 by Chief Judge Stewart
- At the court's request, pro bono counsel are appointed in civil appeals that: present issues of first impression, complex facts or legal questions, or potentially meritorious claims warranting further briefing and/or oral argument.
- Every case is selected by a member of the court
- Oral argument is not guaranteed, but is more likely

Types of Cases

- 1983s; 2241s; and occasionally, noncapital 2254s and 2255s where the court granted COA

Katherine Clark – U.S. Fifth Circuit Pro Bono Program Coordinator

How to join

- Send a cover letter (including statement of types of cases, if any, that counsel prefers or does not prefer); a resume, writing sample, and a statement that the attorney is in good standing with the Fifth Circuit Bar
- probono@ca5.uscourts.gov

Expense Reimbursement

- At the conclusion of the case, Pro Bono Counsel may file an *ex parte* motion for reimbursement of out-of-pocket expenses incurred. Reimbursable expenses may in no event exceed those allowable in Criminal Justice Act appointments.
- Travel expenses must be authorized in advance by the CMJS Office. Pre-authorization for all travel requiring overnight accommodations, air travel, or more than 4 hours round trip driving time must be requested in writing (email preferred)

Contact

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J. Mark Little - Baker Botts (Houston, Tex.)



BAKER BOTTS

Senior Associate

Practice Areas:

Appellate and Supreme Court
Litigation

J. Mark Little - Baker Botts (Houston, Tex.)

Ivan Alexandrovich Vetcher v. William Barr, No. 16-30470

Case Details

Argued: July 11, 2018

Panel: Judges King, Southwick,
and Ho

Decided: Pending

Case Background

Habeas corpus appeal challenging the government's indefinite detention of alien without a bail hearing during his deportation proceedings.

A question of mootness was injected into the appeal when the BIA ordered Vetcher deported after the appeal was taken.

Candice L. Rucker – Bradley (Washington, D.C.)



Bradley[®]

Associate

Practice Areas:

Appellate

Complex Litigation

Candice L. Rucker – Bradley (Washington, D.C.)

Adedji Adekeye v. Lorie Davis, No. 17-20040

Case Details

Argued: August 7, 2019

Panel: Judges Haynes, Clement,
and Willett

Decided: Sept. 13, 2019*

*Petition for En Banc Rehearing Filed

Case Background

Habeas corpus appeal raising *Strickland v. Washington* ineffective assistance of counsel claim based on trial counsel's failure to conduct adequate investigation. The appeal also raised questions as to the scope and proper construction of a COA.

Alysson L. Mills – Fishman Haygood (New Orleans, La.)



FishmanHaygood

Partner

Practice Areas:

Commercial Litigation

Securities Fraud

First Amendment

Alysson L. Mills – Fishman Haygood (New Orleans, La.)

Elliott Williams v. Jeffrey Catoe, No. 18-40825

Case Details

Argued: Sept. 24, 2019

Panel: En Banc Court

Decided: Pending

Case Background

Prisoner Section 1983 appeal presenting challenge to existing law. The Fifth Circuit permits an immediate appeal from an order denying appointment of counsel—but nine circuits do not. The appeal will decide if the Fifth Circuit should overturn its existing precedent and conform its practice to that of other circuits.

Pro Bono Lessons Learned

Q&A