

BACK STORY

PRO BONO OPPORTUNITIES IN THE NINTH CIRCUIT

BY HEIDI STERN, ESQ.

The court's website is www.ca9.uscourts.gov/probono. The site provides more information on the program, as well as a registration form and the name and contact information of the district coordinator for Nevada.

The very first case I worked on, as an appellate attorney new to Nevada, was a difficult one. It required reviewing obscure federal mining laws, lengthy opinions from the United States Supreme Court and mountains of trial court testimony and evidence. Working on this appeal, I learned to efficiently sift through the district court record, to explain complicated legal precedent and factual situations clearly, concisely and persuasively, and to reason with sometimes unreasonable clients. I also learned, in the immortal words of Dan Polsenberg, that “miners are not lawyers.”

The Ninth Circuit appeal of the miners – my clients – was assigned to my firm as part of the Ninth Circuit's pro bono program. This program, established in 1993, provides pro bono counsel to pro se parties in civil appeals where the court determines that briefing and argument by counsel would benefit the court's review. The program simultaneously addresses the court's need for clear and comprehensive briefing and argument, and the client's need for competent legal representation.

Accepting an appeal from the Ninth Circuit's pro bono program has much to recommend it, particularly for young lawyers or those looking to hone their appellate skills. The Ninth Circuit has committed to hear oral argument in all cases assigned through the program. The court makes funds available for reimbursement of necessary, reasonable expenses incurred by the pro bono attorney as part of the representation. The court also has a dedicated pro bono coordinator on staff, available to offer guidance to pro bono attorneys and to assist with navigating the procedural aspects of representing a client before the Ninth Circuit. In short, the Ninth Circuit makes the experience as welcoming and rewarding as possible for the pro bono attorney.

Cases assigned through the program cover a wide range of legal topics, and representation is limited to the appeal itself, unless otherwise agreed between the pro bono attorney and client. A significant percentage of cases in the pro bono program are prisoner civil rights appeals or immigration petitions, but civil cases involving other areas of law are included, such as labor and employment, discrimination, bankruptcy, social security, Indian law, mining law, contract law and some habeas corpus appeals.

Last year, I accepted another case from the Ninth Circuit's pro bono program. This time, my client is a prisoner who was denied kosher meals in violation of his civil rights. The case, along with another prisoner civil rights case heard the same day, presented an issue of first impression for the Ninth Circuit, and relevant case law from the other federal circuits changed significantly during the course of briefing. In other words, this case too was interesting and challenging, albeit in a very different way from the mining case I handled earlier in my career.

For me, the experience garnered while working within the Ninth Circuit's pro bono program was a meaningful one. If you are looking for a place to start with pro bono work or wanting to add more to your roster, you may find it to be just as meaningful. The court's website is www.ca9.uscourts.gov/probono. The site provides more information on the program, as well as a registration form and the name and contact information of the district coordinator for Nevada. ■

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