

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**HOW TO PROCEED WITH AN EMPLOYMENT DISCRIMINATION OR
REHABILITATION ACT LAWSUIT**

INSTRUCTIONS FOR A PERSON WITHOUT AN ATTORNEY

This packet contains forms to permit you to file the following:

- Form 1. Civil Complaint
- Form 2. Description of Lawsuit for Court Assignment
- Form 3. Application to Proceed In Forma Pauperis (for people unable to pay the filing fee)
- Form 4. Request for Appointment of Attorney

GENERAL INSTRUCTIONS

FORM 1 – CIVIL COMPLAINT

You should fill out and file Form 1 – Civil Complaint. When filling out the complaint, you should remember the following:

- 1) You are the plaintiff. The defendant(s) is the employer(s) being sued. If you are filing against a government agency or department, use the title of the head of that agency or department – such as Postmaster General, Secretary of the Navy, Secretary of Welfare of Pennsylvania, etc.
- 2) Your complaint must be legibly printed by hand or typewritten.
- 3) You must personally sign your complaint and declare under penalty of perjury that the facts you allege are correct.
- 4) You must attach to the complaint a copy of your Notice of Right to Sue Letter from the Equal Employment Opportunity Commission. The complaint must be filed within the time specified in your Notice of Right to Sue Letter.

FORM 2 – DESCRIPTION OF LAWSUIT FOR COURT ASSIGNMENT

When you file your complaint, you must also complete and file an original and one copy of Form 2 – Description of Lawsuit for Court Assignment.

(Rev. 10/2009)

FORM 3 – MOTION TO PROCEED IN FORMA PAUPERIS (“IFP”)

In order for the complaint to be filed, it must be accompanied by the filing fee of \$350. If you are unable to pay the filing fee, you must file Form 3 – Motion to Proceed In Form Pauperis with the complaint. On Form 3, you must provide an explanation for why you are unable to pay the filing fee. For example: “I am unemployed and have no money except unemployment compensation.” Or: “I earn \$ ____ a week and must support a family of ____.”

The judge assigned to your case will decide whether to grant you permission to file your case in forma pauperis. If the judge grants you permission to proceed in forma pauperis, then the U.S. Marshal’s Office will serve copies of your complaint on the defendant(s). Therefore, you must give the correct name and address of each defendant.

If the judge does not grant permission to proceed in forma pauperis, then you must pay the \$350 filing fee. You then must arrange to serve the complaint on the defendant(s). The U.S. Marshal’s Office will **not** automatically serve the complaint for you if you are not granted in forma pauperis status.

FORM 4 – REQUEST FOR APPOINTMENT OF ATTORNEY

If you desire to have an attorney and believe you are entitled to have one appointed, you should file Form 4 – Request for Appointment of Attorney. Attorneys are selected from the Plaintiff’s Employment Panel, as outlined in the enclosed Program Description. Please read this enclosure carefully.

You may obtain a copy of your investigative file. Federal employees may do so from the federal agency involved by calling that agency. Other employees can obtain a copy from the Equal Employment Opportunity Commission (EEOC) by writing to:

Fredricka Warren
Christine Spriggs
EEOC, Information Specialists
801 Market Street, Suite 1300
Philadelphia, PA 19107

When you have completed your forms, bring them or mail them to:

Clerk of Court
United States District Court
601 Market Street, Room 2609
Philadelphia, PA 19106-1797

If you have any questions, you may call the Clerk’s Office at (215) 597-7704 and ask for the Pro Se Writ Clerk.

NOTE: You should keep a copy of the forms that you file for your records.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Caption:

Full name(s) of Plaintiff(s)

v.

Full name(s) of Defendant(s)

**COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION**

CIVIL ACTION
NO. _____

This action is brought for discrimination in employment pursuant to (check only those that apply):

_____ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

_____ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634.

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission, and you must have been at least 40 years old at the time you believe that you were discriminated against.

_____ Americans with Disability Act of 1990, as codified, 42 U.S.C. §§ 12112-12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

_____ Pennsylvania Human Relations Act, as codified, 43 Pa. Cons. Stat. §§ 951-963 (race, color, family status, religious creed, ancestry, handicap or disability, age, sex, national origin, the use of a guide or support animal because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals).

NOTE: In order to bring suit in federal district court under the Pennsylvania Human Relations Act, you must first file a complaint with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations, and then you must wait one year prior to filing a lawsuit.

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name: _____
Street Address: _____
County, City: _____
State & Zip: _____
Telephone Number: _____

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the caption on the first page. Attach additional sheets of paper as necessary.

Defendant Name: _____
Street Address: _____
County, City: _____
State & Zip: _____
Telephone Number: _____

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer: _____
Street Address: _____
County, City: _____
State & Zip: _____
Telephone Number: _____

II. Statement of the Claim

- A. The discriminatory conduct of which I complain in this action includes (*check only those that apply to your case*):

- _____ Failure to hire me
_____ Termination of my employment
_____ Failure to promote me

- Failure to reasonably accommodate my disability
- Failure to reasonably accommodate my religion
- Failure to stop harassment
- Unequal terms and conditions of my employment
- Retaliation
- Other (specify): _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

B. It is my best recollection that the alleged discriminatory acts occurred or began on or about: (month)_____, (day)_____, (year)_____.

C. I believe that the defendant(s) (check one):

- is still committing these acts against me.
- is **not** still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged):

- race _____ color _____
- religion _____ gender/sex _____
- national origin _____

age My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination)

E. The facts of my case are as follow (attach additional sheets of paper as necessary):

NOTE: *As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the Pennsylvania Human Relations Commission, or the Philadelphia Commission on Human Relations.*

III. Exhaustion of Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on: _____ (Date).

B. The Equal Employment Opportunity Commission (*check one*):

_____ has not issued a Notice of Right to Sue Letter.

_____ issued a Notice of Right to Sue Letter, which I received on _____ (Date).

NOTE: *Attach to this complaint a copy of the Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.*

C. *Only plaintiffs alleging age discrimination must answer this question.*

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

_____ 60 days or more have passed.

_____ fewer than 60 days have passed.

D. It is my best recollection that I filed a charge with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct on: _____ (Date).

E. Since filing my charge of discrimination with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct (*check one*):

_____ One year or more has passed.

_____ Less than one year has passed.

IV. Relief

WHEREFORE, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs as well as (*check only those that apply*):

- ____ Direct the defendant to hire the plaintiff.
- ____ Direct the defendant to re-employ the plaintiff.
- ____ Direct the defendant to promote the plaintiff.
- ____ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- ____ Direct the defendant to reasonably accommodate the plaintiff's religion.
- ____ Direct the defendant to (*specify*): _____
- ____ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- ____ Other (*specify*): _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this __ day of _____, 20__.

Signature of Plaintiff _____
Address _____

Telephone number _____
Fax number (*if you have one*) _____

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: _____

Address of Defendant: _____

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes [] No []

Does this case involve multidistrict litigation possibilities? Yes [] No []

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes [] No []
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes [] No []
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes [] No []
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes [] No []

CIVIL: (Place [x] in ONE CATEGORY ONLY)

A. Federal Question Cases:

B. Diversity Jurisdiction Cases:

- 1. [] Indemnity Contract, Marine Contract, and All Other Contracts
2. [] FELA
3. [] Jones Act-Personal Injury
4. [] Antitrust
5. [] Patent
6. [] Labor-Management Relations
7. [] Civil Rights
8. [] Habeas Corpus
9. [] Securities Act(s) Cases
10. [] Social Security Review Cases
11. [] All other Federal Question Cases (Please specify)
1. [] Insurance Contract and Other Contracts
2. [] Airplane Personal Injury
3. [] Assault, Defamation
4. [] Marine Personal Injury
5. [] Motor Vehicle Personal Injury
6. [] Other Personal Injury (Please specify)
7. [] Products Liability
8. [] Products Liability — Asbestos
9. [] All other Diversity Cases (Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:
[] Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
[] Relief other than monetary damages is sought.

DATE: _____ Attorney-at-Law _____ Attorney I.D.# _____

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____ Attorney-at-Law _____ Attorney I.D.# _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

	:	CIVIL ACTION
	:	
v.	:	
	:	
	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

Date

Printed Name of Pro Se Plaintiff

Signature of Pro Se Plaintiff

Civil Justice Expense and Delay Reduction Plan
Section 1:03 - Assignment to a Management Track

- (a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.
- (b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.
- (c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.
- (d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.
- (e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See §1.02 (e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania

_____)	
<i>Plaintiff/Petitioner</i>)	
v.)	Civil Action No.
_____)	
<i>Defendant/Respondent</i>)	

**APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Long Form)**

<p>Affidavit in Support of the Application</p> <p>I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested. I declare under penalty of perjury that the information below is true and understand that a false statement may result in a dismissal of my claims.</p> <p>Signed: _____</p>	<p>Instructions</p> <p>Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is “0,” “none,” or “not applicable (N/A),” write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.</p> <p>Date: _____</p>
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1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly income amount during the past 12 months		Income amount expected next month	
	You	Spouse	You	Spouse
Employment	\$	\$	\$	\$
Self-employment	\$	\$	\$	\$
Income from real property <i>(such as rental income)</i>	\$	\$	\$	\$
Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$	\$	\$	\$
Child support	\$	\$	\$	\$

PAE AO 239 (10/09) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$	\$
Unemployment payments	\$	\$	\$	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$
Total monthly income:	\$	\$	\$	\$

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ _____

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
		\$	\$
		\$	\$
		\$	\$

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Assets owned by you or your spouse	
Home (<i>Value</i>)	\$
Other real estate (<i>Value</i>)	\$
Motor vehicle #1 (<i>Value</i>)	\$
Make and year:	
Model:	
Motor vehicle #2 (<i>Value</i>)	\$
Make and year:	
Model:	
Other assets (<i>Value</i>)	\$
Other assets (<i>Value</i>)	\$

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
	\$	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name (or, if under 18, initials only)	Relationship	Age

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment <i>(including lot rented for mobile home)</i> Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No	\$	\$
Utilities <i>(electricity, heating fuel, water, sewer, and telephone)</i>	\$	\$
Home maintenance <i>(repairs and upkeep)</i>	\$	\$
Food	\$	\$
Clothing	\$	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$	\$
Transportation <i>(not including motor vehicle payments)</i>	\$	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance <i>(not deducted from wages or included in mortgage payments)</i>		
Homeowner's or renter's:	\$	\$
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$	\$
Other:	\$	\$
Taxes <i>(not deducted from wages or included in mortgage payments) (specify):</i>	\$	\$
Installment payments		
Motor vehicle:	\$	\$
Credit card <i>(name)</i> :	\$	\$
Department store <i>(name)</i> :	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$	\$

Regular expenses for operation of business, profession, or farm <i>(attach detailed statement)</i>	\$	\$
Other <i>(specify):</i>	\$	\$
Total monthly expenses:	\$	\$

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? \$ _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid — or will you be paying — anyone other than an attorney *(such as a paralegal or a typist)* any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? \$ _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of these proceedings.

13. Identify the city and state of your legal residence.

Your daytime phone number: _____

Your age: _____ Your years of schooling: _____

Last four digits of your social-security number: _____

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

Petitioner/Plaintiff

v.

Defendant(s)

:
:
:
:
:
:
:
:

Civil Action No. _____

REQUEST FOR APPOINTMENT OF ATTORNEY

I, _____, Petitioner/Plaintiff, request appointment of counsel as provided by 42 U.S.C. § 2000(e)5.

1.) I have made a diligent effort to employ an attorney [check appropriate box(es)]:

CONTACTED PRIVATE ATTORNEY(S)
(List all attorney(s) contacted and state why each is not representing you.)

CONTACTED A LEGAL AID ORGANIZATION
(State when this organization was contacted and why it did not assist you.)

CONTACTED BAR ASSOCIATION LAWYER REFERRAL SERVICE, if available. (*State what assistance was provided.*)

2.) If unable to pay attorney's fees or costs - I am financially unable to hire counsel (Complete and file Form 3 - In Forma Pauperis Petition)

3.) I believe I have a claim against the following employer (Give name and address):

4.) The reason(s) for my claim are (Give brief employment history with dates and specific reasons for lawsuit):

I certify under the penalty of perjury that the foregoing statements are true and correct.

Signature

Date

Effective as of
February 25, 2008

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Under the law, the federal district court may appoint an attorney to represent a plaintiff in an employment case.¹ The Court strongly values and endorses this effort to provide counsel in appropriate cases for persons unable to obtain counsel themselves and who assert that their civil rights have been violated. Accordingly, the United States District Court for the Eastern District of Pennsylvania has established the Plaintiffs' Employment Panel (PEP), which is comprised of volunteer attorneys who have agreed to represent plaintiffs in employment actions by court appointment². The Court and the bar shall join together to make this program successful.

¹ Title VII of the Civil Rights Act of 1964, § 706 (f)(1)(B), 42 U.S.C. § 2000e-5(f)(1)(B), provides -

Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, cost, or security.

The Panel program also covers cases brought under the Age Discrimination Employment Act (ADEA), the Americans with Disabilities Act, the Rehabilitation Act, and state claims which can be properly appended to federal employment claims.

² From time to time the Chief Judge of the Eastern District will designate one or more members of the Panel to be Program Coordinator(s). The Program Coordinator(s) will supervise the recruitment of attorneys for the PEP and will work with the Court and the Clerk's Office to implement the program. Currently, the Panel Coordinator is Scott Pollins, Esquire.

The Plaintiffs' Employment Panel (PEP) shall operate as follows:

1. The Clerk of the Court's office shall maintain a list of panel members, in alphabetical order, and shall assign requests for appointed counsel from the list *seriatim*. Law firms shall notify the Clerk of the current contact person in the firm to whom such requests should be sent.

2. Individual lawyers and law firms will not be asked to accept more than one PEP appointment per year, or a total of two such actions at any one time. Large law firms may be asked to accept up to three such actions and no more than a total of five such actions pending at any one time. A large law firm, for this purpose, is one having 100 or more lawyers. Firms and practitioners may volunteer to take additional representations, but will not be required to do so.

3. Upon inquiry to the Clerk's office or upon the proposed filing of a *pro se* complaint, an employment action plaintiff will be given this program description, including the attached application for appointment of counsel. Plaintiffs are hereby advised that a request for appointed counsel does not guarantee that counsel will ultimately be appointed. The plaintiff's request for appointed counsel is dependent upon the availability of a PEP attorney willing to undertake the requested representation and the plaintiff's own compliance with the procedures set forth in this description, including cooperation with the attorney(s) to whom he/she is referred. Plaintiffs should also be aware that representation by a PEP attorney does not necessarily mean that he/she will not be required to pay a contingent fee for the representation, and/or advance litigation costs.

4. The Court will screen the Plaintiff's request for "frivolousness" and prepare an order granting or denying the request.

5. If the request for appointed counsel is granted, the Clerk's Office shall contact the attorney next on the list either by telephone or E-mail to ask whether he/she is available to review a PEP referral. If the attorney does not respond to the Clerk's Office within three business days, the Clerk will proceed to the next attorney on the list.

6. When the PEP attorney agrees to review a referral, the Clerk shall inform the plaintiff that he/she has been referred to an attorney, and will give the plaintiff the attorney's address and telephone number. The Clerk shall also advise the plaintiff that referral to an attorney does not conclude the appointment process, and that counsel will be appointed only if a PEP attorney agrees to accept the case.

7. The Chief Judge shall send a letter referring the case to the attorney for review. The Clerk shall enclose with the letter a copy of the approved application, the plaintiff's address and telephone number, and any other materials which the Clerk has available for the attorney's review, including the complaint, answer, and any other materials of record.

8. **Within seven days after receiving notice that his or her case has been referred by an attorney, the plaintiff should contact the attorney's office to arrange a meeting to discuss the case and provide the attorney with any documentation or other evidence that he/she believes may have relevance to the case, or which the attorney requests.** Counsel shall also make reasonable efforts to contact the plaintiff, recognizing that some plaintiffs are indigent and may not be as easy to contact as typical fee-paying clients.

9. PEP attorneys shall meet with the plaintiff within fifteen (15) business days of the referral unless special circumstances make such a meeting impracticable or futile.

10. Within fourteen (14) days after meeting with the potential client, the attorney will inform the assigned Judge as to whether he/she will undertake representation by returning the form enclosed with the referral letter for that purpose or entering an appearance on the plaintiff's behalf.³ In the event that the attorney does not return the form and does not notify the assigned Judge that he/she requires additional time to complete the case review, the assigned Judge's deputy clerk may call the attorney regarding the status of this referral.

11. Counsel shall exert every reasonable effort to accept the case, and provide good, lawyer-like representation to the same extent that they would for any other client, and in accordance with all applicable professional duties and ethical obligations, until the case is concluded. The bar recognizes that such commitment is essential to the effective operation of the PEP. Representation shall be declined only in cases in which 1) counsel's professional schedule precludes the time commitment or financial resources that the case appears to require; 2) the case is devoid of merit; 3) there is a conflict of interest; or 4) the plaintiff has failed to cooperate with counsel. PEP members are expected to accept cases, and doubts are to be resolved in favor of acceptance. If plaintiff's statement of facts would appear to survive a Rule 12 motion, the case should not be rejected for "lack of merit."

12. If three successive attorneys reject the case for "lack of merit," the case will not be referred again without consultation between the court and the PEP Coordinators as to whether the case warrants additional referral efforts, or exceptional circumstances exist which might be

³ This initial period, in which either the plaintiff or the attorney may decline representation, may be extended by agreement for an additional fourteen days, so long as the assigned Judge receives timely notification that such an extension has been agreed to by both parties.

impacting upon the referral process, such as the plaintiff's serious mental or physical disability, or a language barrier.

13. The attorney and the plaintiff should enter into a written fee agreement at the outset of the representation.⁴

14. The Court recognizes that these are public interest representations and, to the extent practicable, will consider this factor in case management and scheduling. If, after the representation has been entered into and an appearance entered for the plaintiff, the attorney finds it necessary to ask for leave to withdraw, the Court will give due consideration to the public service nature of the representation.

15. The Court's Public Interest Committee and the PEP Coordinators shall meet at least once a year to discuss panel matters of mutual concern. The Court and the Panel Coordinators shall provide a yearly Continuing Legal Education Course, in cooperation with the Pennsylvania Bar Institute, to keep PEP members apprised of recent developments in employment law and address any other educational needs which they deem appropriate for PEP members.⁵ The Court encourages Panel members to attend these programs.

16. Any attorney or law firm with a question or concern about the operation of the PEP may direct it to one of the PEP's Coordinators. In the event that the Coordinators are

⁴ Funding for litigation costs up to a maximum of \$2500.00 per case is available to PEP attorneys through the Public Interest Civil Litigation Fund (PICLF). A description of the PICLF is attached hereto, and incorporated by reference herein.

⁵ Although Panel members will be required to pay PBI's fee for attendance if they wish to receive CLE credit, they are free to audit the Panel's CLE free of charge, so long as space is available. Panel members who wish to audit the CLE are responsible for notifying PBI to make the appropriate arrangements.

unable to resolve the matter, the attorney will have the right to direct his/her concern to the Court's Public Interest Committee.

17. Panel attorneys who specialize in the field will be available to confer with other panel members on particular issues. Should counsel require such assistance, they should contact the PEP Coordinators for an appropriate referral.

18. The Panel Coordinators will make reasonable efforts to increase and maintain the number of attorneys and law firms participating in the PEP. The Court will also encourage bar associations in all counties that make up the Eastern District of Pennsylvania to make such efforts.