

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SHEILA SANCHEZ
for CHILA SANCHEZ,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner
of Social Security,

Defendant.

ORDER

03-C-537-C

This is an appeal of an adverse decision of the Commissioner of Social Security brought pursuant to 42 U.S.C. § 405(g). Sheila Sanchez filed the complaint on behalf of her minor daughter, Chila Sanchez, in order to challenge the commissioner's determination that Chila is not disabled under the Social Security Act. This court initially determined that Sheila Sanchez was competent to represent her daughter's interests and allowed her to proceed on her daughter's behalf.

On July 19, 2004, the commissioner filed her answer and the record from the administrative proceedings. Plaintiff's deadline for filing a brief in support of her challenge to the commissioner's decision was August 18, 2004. On August 17, 2004, Sheila Sanchez filed a letter in which she requests a 60-day extension for filing her brief. In addition, she has requested the court appoint a lawyer to represent Chila.

Sanchez's request for a lawyer to represent her daughter's interests will be granted. This court has indicated in previous orders that its determination that Sheila Sanchez was competent to prosecute this action on Chila's behalf could change depending upon the circumstances. It appears now that Sanchez cannot represent her daughter competently. Sanchez asserts that her health has been unsteady; she has attached a medical note indicating that she is suffering from severe emotional stress and depression. Taking into consideration the length of the administrative record (490 pages) and the complexity of the issues in the case (whether Chila suffers from impairments that meet or functionally equal a listed impairment), I find that it is necessary to appoint a lawyer in order to protect Chila's interests.

ORDER

Accordingly, IT IS ORDERED that:

1. The motion of Sheila Sanchez for the appointment of counsel to represent the interest of Chila Sanchez in this action is GRANTED. The court will furnish the parties with the name of the lawyer in a subsequent order.

2. The current briefing schedule is STRICKEN until further order of the court. Once counsel has been appointed, the magistrate judge will confer with the parties to establish a new briefing schedule.

Entered this 23rd day of August, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge