

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

CHRISTOPHER M. SANDERS,

Plaintiff,

v.

DR. SEARS,

Defendant.

ORDER

11-cv-202-slc

Plaintiff Christopher Sanders is proceeding to trial in this case on his claim that defendant Dr. Sears violated his rights under the Eighth Amendment by exhibiting deliberate indifference to his serious medical needs. He has requested that an attorney be appointed to assist him at trial because he is disabled due to a brain injury. Plaintiff has attempted several times to provide third-party confirmation of the nature and effect of his disability, including a description of the injury does he suffers from, how long he has been disabled and how the disability affects his cognitive ability (or thinking) or ability to present an argument and ask questions in a public environment.

Now plaintiff has provided a letter from physician Mark Biehl explaining that plaintiff has “schizoaffective/bipolar disorder, mod severe and attention deficit disorder,” for which he is currently receiving antipsychotic tranquilizers. Biehl states that plaintiff’s “mood is unstable,” that “he also has difficulty focusing and organizing,” and that he believes that court-appointed counsel is warranted for trial.

This information convinces me that appointment of counsel for trial is necessary in this case. Accordingly, the proceedings in this case will remain stayed while the court locates a lawyer who is willing to represent plaintiff. This might take a while—as in several months—so plaintiff should be patient.

A lawyer accepting appointment in a case like this one takes it with no guarantee of compensation for his or her work. Plaintiff should be aware that in any case in which a party is represented by a lawyer, the court communicates only with the lawyer. Thus, once counsel is appointed, the court no longer will communicate with plaintiff directly about this case. Plaintiff will have to communicate directly with his lawyer about any concerns and allow the lawyer to exercise his or her professional judgment to determine which matters to bring to the court's attention and what motions and other documents are appropriate to file. Plaintiff will not have the right to require counsel to raise frivolous arguments or to follow every directive he makes. He should be prepared to accept his lawyer's strategic decisions even if he disagrees with some of them, and he should understand that it is unlikely that this court will appoint another lawyer to represent him should plaintiff choose not to work cooperatively with the first appointed lawyer.

ORDER

It is ORDERED that plaintiff Christopher Sanders' motion for appointment of counsel, dkt. 79, is GRANTED. Further proceedings in this case remain STAYED pending appointment of counsel for plaintiff. Once the court finds counsel willing to represent plaintiff, the court will advise the parties and hold a status and scheduling conference.

Entered this 31st day of July, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge