

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

TIMOTHY FRANCIS RIPP,

Plaintiff,

v.

ROBYN BRADLEY,

Defendant.

ORDER

10-cv-259-bbc

Plaintiff Timothy Ripp is proceeding in this case on a claim that defendant Robyn Bradley denied him access to the courts by refusing to arrange conference calls to the small claims court. Now before the court is plaintiff's motion for appointment of counsel.

As a starting point, this court would appoint a lawyer to almost every pro se plaintiff if lawyers were available to take these cases. But they are not. Most lawyers do not have the time, the background or the desire to represent pro se plaintiffs in a pro bono capacity, and this court cannot make them. So the court only appoints counsel in cases where there is a demonstrated need, using the appropriate legal test.

In deciding whether to appoint counsel, I must first find that plaintiff has made a reasonable effort to find a lawyer on his own and has been unsuccessful or that he has been prevented from making such an effort. *Jackson v. County of McLean*, 953 F.2d 1070 (7th Cir. 1992). To show that he has made reasonable efforts to find a lawyer, plaintiff must give the court the names and addresses of at least three lawyers that he has asked to represent him in this case and who turned him down. Plaintiff has attached to his motion several letters from attorneys all who have declined to represent him in this case. Although plaintiff has submitted proof that he tried to find a lawyer on his own and failed, I am denying his motion.

In resolving a motion for appointment of counsel, a district court must consider both the complexity of the case and the pro se plaintiff's ability to litigate it himself. *Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007). Plaintiff says that he is unable to afford counsel and that his imprisonment will greatly limit his ability to litigate his case. Plaintiff states that he has limited knowledge of the law and that he requires the assistance of a lawyer because a lawyer would be able to better present the evidence at trial and cross examine witnesses.

These are not sufficient reasons to appoint counsel. These handicaps are universal among pro se litigants. To help plaintiff in this regard, however, this court instructs pro se litigants at a preliminary pretrial conference, which will be scheduled after the defendant files an answer, about how to use discovery techniques available to all litigants so that he can gather the evidence he needs to prove his claim. In addition, pro se litigants are provided a copy of this court's procedures for filing or opposing dispositive motions and for calling witnesses, both of which were written for the very purpose of helping pro se litigants understand how these matters work. In sum, plaintiff's limited knowledge of the law is not a circumstance warranting appointment of counsel.

With respect to the complexity of the case, there is nothing in the record to suggest that this case is factually or legally difficult. Plaintiff has personal knowledge of the circumstances surrounding the events and he should be able to obtain through discovery or already possess relevant documentation he needs to prove his claim. In sum, I am not persuaded that plaintiff's case is so complex or his skills so lacking that appointment of counsel is warranted at this time. The motion will be denied without prejudice to petitioner bringing it at a later stage in his lawsuit.

ORDER

IT IS ORDERED that plaintiff's motion for appointment of counsel, dkt. #3 is DENIED.

Entered this 9th day of August, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge