

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

CHAD ANDREW STITES,

Plaintiff,

v.

ORDER

12-cv-383-slc

GARY HAMBLIN, JOHN MAHONEY,
JAIL ADMINISTRATOR (JOHN DOE),
JASON RUSSELL, DANE COUNTY SERGEANT (JOHN DOE) and
DANE COUNTY MEDICAL STAFF (DR. JANE DOE & NURSE JANE DOE),

Defendants.

Plaintiff Chad Stites, a prisoner at the Oakhill Correctional Institution in Oregon, Wisconsin, has submitted a proposed complaint under 42 U.S.C. § 1983 in which he alleges that he contracted a MRSA infection and was not treated properly at the Dane County Jail. Currently before the court is plaintiff's motion for assistance in finding counsel to represent him in his case.

In deciding whether to assist plaintiff, 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 prove that he has made a reasonable effort to find a lawyer, plaintiff must give the court the names and addresses of at least three lawyers that he asked to represent him on the issues on which he has been allowed to proceed and who turned him down. Plaintiff has not met this requirement; he has only submitted a response from one lawyer whom he has contacted.

Even if he had made this first showing, plaintiff's request for assistance in finding an attorney comes too early for the court to grant it. As a starting point, this court would recruit a lawyer for 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 recruits counsel in cases where there is a demonstrated need, using the appropriate legal test.

Recruiting counsel is appropriate in those relatively few cases in which it appears from the record that the legal and factual difficulty of the case exceeds the plaintiff's demonstrated ability to prosecute it. *Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007). It is too early to make that determination in this case, as the court has not yet issued an order screening the case and telling plaintiff on which of his claims he will be proceeding.

In his motion, plaintiff says he needs a lawyer because he has no legal experience and has only limited access to the law library. These are not adequate reasons to recruit counsel for this case. Although plaintiff may lack legal knowledge, he is in the same position as most other pro se litigants, almost none of which have legal training of any kind. After the complaint is screened and the case progresses, plaintiff will improve his knowledge of court procedure. To help him, this court instructs pro se litigants at a preliminary pretrial conference (which will be scheduled after the defendant files his 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, plaintiff will be provided with 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 has not shown that he requires the assistance of counsel at this early stage of the proceedings. Therefore, the motion will be denied without prejudice to plaintiff's renewing his request at a later time.

ORDER

IT IS ORDERED that plaintiff's motion for assistance in the recruitment of counsel, dkt. 5, is DENIED without prejudice.

Entered this 20th day of February, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge