

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
OFFICE OF THE CLERK**

BRUCE RIFKIN  
CLERK

U.S. COURTHOUSE, LOBBY LEVEL  
700 STEWART ST  
SEATTLE, WASHINGTON 98101

TO: Plaintiff in Title VII Action

FROM: United States District Court  
Western District of Washington

**APPLYING FOR APPOINTMENT OF COUNSEL  
IN EMPLOYMENT DISCRIMINATION CASES**

This memorandum, and its accompanying application form, are intended to assist you in applying to the court to appoint counsel to represent you as the plaintiff in an employment discrimination action, brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C § 2000e et seq.

Congress has provided that, in employment discrimination actions under this statute:

“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, costs, or security.: 42 U.S.C. §2000e-5(f)(1)(B)(1976).

If your claim is ultimately successful, the court has authority to order the defendant to pay your attorneys’ fees, under the provisions of Title VII and/or 42 U.S.C. §1988. If your claim is not successful, however, the court has no funds available to compensate appointed counsel, as Congress has not appropriated funds for that purpose.

In passing upon your request for appointed counsel, the court is required to assess:

- (1) Your financial resources;
- (2) The efforts you have already made to secure counsel; and
- (3) Whether your claim has merit.

Bradshaw vs. Zoological Society of San Diego, 662 F.2d 1301 (9<sup>th</sup> Cir. 1981)

The forms which accompany this memorandum provide you an opportunity to make a showing on each of these criteria.

If the court determines you are eligible for appointed counsel, you will not be asked to designate the attorney. Therefore, please do not submit the application until you have completed your own attempts to retain counsel.

If you wish to apply for court appointed counsel:

- (1) Complete all portions of the Application and Financial Affidavit;
- (2) Sign the application;
- (3) File with the Clerk the original and a copy of the Application and Financial Affidavit;
- (4) Direct copies to the attorney for each party who has appeared or answered in the case.

If you have questions regarding this form, or about the procedure in preparing and filing it, you may direct them to the Clerk of the Court at U.S. Courthouse, Lobby Level, 700 Stewart St, Seattle, WA 98101 or by telephone at (206) 370-8400.