

United States District Court  
Southern District of Illinois  
750 Missouri Avenue  
East St. Louis, Illinois 62201

Chambers of  
MICHAEL J. REAGAN  
CHIEF U.S. DISTRICT JUDGE

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December 22, 2015

Members of the District Court Bar:

*Cool Hand Luke; The Green Mile; The Shawshank Redemption; Birdman of Alcatraz; Hunger; Jailhouse Rock; The Count of Monte Cristo; Stir Crazy; Papillon*—by the millions we flock to watch prison movies, but assign an attorney to a prisoner case and everyone plans their escape. Because prisoner civil rights cases comprise a disproportionate share of this court's docket, and given the relatively small district bar, it has become necessary to remind members of the district bar of their duty to accept pro bono assignments. The United States Supreme Court has characterized a court's request that a lawyer represent a poor litigant as "an important ethical decision" for the lawyer. *Mallard v. U.S. Dist. Court for the So. Dist. of Iowa*, 490 U.S. 296, 308 (1989).

Ten state prisons and two federal prisons are located in the Southern District of Illinois. The pro se civil rights cases and petitions for writ of habeas corpus are approximately 50% of the district court's entire civil caseload. Between June 2012 and June 2014, the number of prisoner cases jumped 80%. This crushing "prisoner docket" remains relatively steady at 562 cases per year.

By taking extraordinary measures, the Court, on its own, has been able to clear a 268-case backlog and bring the habeas corpus cases up to date. Nevertheless, the judges of this district and the Court of Appeals for the Seventh Circuit have recognized that "the guiding hand of counsel" is necessary in order for claims to be properly pleaded and litigated. See *Perez v. Fenoglio*, 792 F.3d 768, 785 (7th Cir. 2015).

The Court recognizes the burden an assignment places on an attorney in terms of time and money, and assignments are not made unless necessary, in accordance with the framework prescribed by 28 U.S.C. § 1915(e)(1) and *Pruitt v. Mote*, 503 F.3d 647 (7th Cir. 2007). Counsel is assigned only to prevent a fundamental unfairness. Steps are being

taken to fortify the District Court Fund so that the Court can offer some assistance (albeit modest) toward out-of-pocket expenses. The Court has also retained the services of an attorney who specializes in prisoner litigation to advise attorneys who have been assigned a prisoner case. CLE seminars are regularly presented on the topic of prisoner litigation. Also, efforts are underway to coordinate with a law school to enable law students to assist with prisoner cases. The Court is making every effort to efficiently manage the large docket of prisoner cases, but it is clearly time for the district bar to also step up to this challenge.

This is truly a win-win endeavor. Justice is served, prisoner cases proceed more efficiently, and *all other civil cases* move more swiftly when the prisoner civil rights docket is not mired.

And that is why you have been assigned a prisoner case.

Sincerely,

A handwritten signature in black ink that reads "Michael Reagan". The signature is written in a cursive, flowing style with a prominent initial "M" and a long, sweeping underline.

Michael J. Reagan  
Chief Judge