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6

7 **IN THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT**
8 **FOR THE STATE OF IDAHO, IN AND FOR NEZ PERCE COUNTY**

JEREMY L. BASS,

Plaintiff,

vs.

MICHAEL J. NEWELL, c/o IDEA Law
Group, LLC, ESQ,
CARRINGTON MORTGAGE SERVICES,
LLC,
BANK OF AMERICA, N.A.,
RECONTRUST COMPANY, N.A.,
DOE I-X

Defendants.

Case No. CV35221875

**MOTION FOR APPOINTMENT
OF CO-COUNSEL**

DEMAND FOR JURY

9
10 **1. Introduction**

11 COMES NOW Plaintiff, JEREMY L. BASS, a pro se litigant,
12 respectfully moves the Court for the appointment of co-
13 counsel to assist in the representation of their case. The
14 Plaintiff faces challenges in navigating the complexities of
15 the legal system and competing against experienced opposing
16 counsel. This motion is grounded in the principles of
17 fairness, equal access to justice, and effective
18 representation for the Plaintiff.
19

2. Legal Authorities and Grounds for Appointment of Co-Counsel

The following legal authorities support the appointment of co-counsel for the Plaintiff:

I. U.S. Constitution:

a. Fifth Amendment - Guaranteeing due process of law.

b. Fourteenth Amendment - Ensuring that no state shall deprive any person of life, liberty, or property without due process of law.

II. Idaho Code:

a. Idaho Code § 7-610 - Allowing the court to appoint counsel for an indigent person in civil cases.

III. Case Law:

a. *Lassiter v. Department of Social Services*, 452 U.S. 18 (1981) - Recognizing that due process may require appointment of counsel in certain civil cases.

b. *In re Marriage of Cabrera*, 122 Idaho 156, 159 (1991) - Noting that the appointment of counsel for indigent persons in civil matters is within the discretion of the court.

c. *Bounds v. Smith*, 430 U.S. 817 (1977) - Establishing the right to access legal resources and assistance for incarcerated individuals.

d. *Airey v. Ireland*, 32 Eur. Ct. H.R. (ser. A) (1979) - Holding that lack of legal assistance in civil cases may

1 impair effective access to court when the case involves
2 complex legal issues or when the litigant is at a
3 significant disadvantage.

4 e. *Smith v. Williams*, 782 F.2d 867 (9th Cir. 1986) -

5 Recognizing that pro se litigants are at a disadvantage due
6 to their unfamiliarity with the rules of procedure and
7 substantive law.

8 f. *Turner v. Rogers*, 564 U.S. 431 (2011) - Acknowledging that
9 certain procedural safeguards may be required for
10 unrepresented litigants in civil cases.

11 **3. Argument for Appointment of Co-Counsel**

12 I. The Plaintiff faces challenges due to their pro se status,
13 which places them at a significant disadvantage against
14 experienced opposing counsel. Furthermore, the Plaintiff
15 lacks access to legal resources such as PACER, which
16 hinders their ability to effectively research and prepare
17 their case.

 II. The appointment of co-counsel would help level the playing
 field by providing the Plaintiff with limited assistance
 in understanding complex legal issues, navigating
 procedural rules, and accessing essential legal resources.
 This would ensure that the Plaintiff's right to due
 process and equal access to justice is protected.

III. The appointment of co-counsel would not shift full responsibility for the case from the Plaintiff to the appointed attorney. The co-counsel would serve in an advisory role for limited periods, such as a few hours of consultation or during pretrial sessions. This approach would maintain the spirit of pro se litigation, as the Plaintiff would continue to bear primary responsibility for their case.

IV. The Court has discretion to appoint co-counsel for indigent litigants in civil matters under Idaho Code § 7-610 and in accordance with the legal authorities discussed above. The appointment of co-counsel would serve the interests of justice by addressing the Plaintiff's disadvantages in terms of legal knowledge, experience, and access to resources.

V. By analogy, courts have recognized the need to provide assistance to individuals with mental disabilities or impairments in civil proceedings. This rationale supports the appointment of co-counsel for the Plaintiff, who faces similar disadvantages as a pro se litigant lacking the tools and experience of opposing counsel.

4. Conclusion

I. In light of the foregoing, the Plaintiff respectfully requests that the Court exercise its discretion and appoint co-counsel to assist in the representation of their case. By doing so, the Court would help ensure that the Plaintiff's right to due process and equal access to justice is protected, while maintaining the spirit of pro se litigation. This appointment would serve the interests of justice by addressing the Plaintiff's disadvantages in terms of legal knowledge, experience, and access to resources, thus creating a more equitable legal environment for all parties involved.

Dated this 28 day of March 2023.

Respectfully submitted,

Jeremy L. Bass
Plaintiff/ Pro Se

Signature

TABLE OF AUTHORITIES

CASES:

Airey v. Ireland, 32 Eur. Ct. H.R. (ser. A) (1979)	2
Bounds v. Smith, 430 U.S. 817 (1977)	2
Lassiter v. Department of Social Services, 452 U.S. 18 (1981)	2
re Marriage of Cabrera, 122 Idaho 156, 159 (1991)	2
Smith v. Williams, 782 F.2d 867 (9th Cir. 1986)	3
Turner v. Rogers, 564 U.S. 431 (2011)	3

STATUTES:

Idaho Code § 7-610	2, 4
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U.S. CONSTITUTION:

1	Fifth Amendment	2
2	Fourteenth Amendment	2
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CERTIFICATE OF MAILING

I certify that I have sent by email and first-class mail this OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND STRIKE SUMMONS AND COMPLAINT to Defendants on March 24th, 2023, at the following email address and postal address:

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Jeremy L. Bass
Plaintiff

Signature