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

DPW Enterprises LLC and Mountain Prime 2018
LLC,

Plaintiff,

vs.

JEREMY L. BASS

Defendants.

Case No. CV35-24-1063
**MOTION FOR APPOINTMENT
OF CO-COUNSEL**

DEMAND FOR JURY

9
10 **1. Introduction**

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

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

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

19 **I. U.S. Constitution:**

- 20 a. Fifth Amendment - Guaranteeing due process of law.
- 21 b. Fourteenth Amendment - Ensuring that no state shall deprive any person of life,
22 liberty, or property without due process of law.

23 **II. Idaho Code:**

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

3 III. Case Law:

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

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

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

10 d. Airey v. Ireland, 32 Eur. Ct. H.R. (ser. A) (1979) - Holding that lack of legal assistance in civil
11 cases may impair effective access to court when the case involves complex legal issues
12 or when the litigant is at a significant disadvantage.

13 e. Smith v. Williams, 782 F.2d 867 (9th Cir. 1986) - Recognizing that pro se litigants are at a
14 disadvantage due to their unfamiliarity with the rules of procedure and substantive law.

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

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

18 I. The Plaintiff faces challenges due to their pro se status, which places them at a
19 significant disadvantage against experienced opposing counsel. Furthermore, the
20 Plaintiff lacks access to legal resources such as PACER, which hinders their ability to
21 effectively research and prepare 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.

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:

Fifth Amendment	2
Fourteenth Amendment	2

Dated this 13 day of August 2024.

Respectfully submitted,
Jeremy L. Bass
Defendant/ Pro Se

Signature

CERTIFICATE OF MAILING

I certify that I have sent by email and first-class mail this MOTION FOR APPOINTMENT OF CO-COUNSEL to Plaintiffs on August 13th, 2024, at the following email address and postal address:

Email: lewis@hwmlawfirm.com Postal: Lewis N. Stoddard, Bar No. 7766 Halliday, Watkins & Mann, P.C. 376 East 400 South, Suite 300 Salt Lake City, UT 84111	
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Jeremy L. Bass
Defendant

Signature

ACKNOWLEDGMENT

STATE OF IDAHO)

: ss.

County of NEZ PERCE COUNTY)

On the _13_ day of __August__, 2024, before me, the undersigned Notary Public, personally appeared __Jeremy Bass__, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.

Notary Public for Idaho

Residing at _____

Commission Expires: _____