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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, 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.

16  
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.

1       II. Idaho Code:

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

4       III. Case Law:

- 5       a. Lassiter v. Department of Social Services, 452 U.S. 18 (1981) - Recognizing that due  
6       process may require appointment of counsel in certain civil cases.
- 7       b. In re Marriage of Cabrera, 122 Idaho 156, 159 (1991) - Noting that the appointment of  
8       counsel for indigent persons in civil matters is within the discretion of the court.
- 9       c. Bounds v. Smith, 430 U.S. 817 (1977) - Establishing the right to access legal resources and  
10      assistance for incarcerated individuals.
- 11      d. Airey v. Ireland, 32 Eur. Ct. H.R. (ser. A) (1979) - Holding that lack of legal assistance in civil  
12      cases may impair effective access to court when the case involves complex legal issues  
13      or when the litigant is at a significant disadvantage.
- 14      e. Smith v. Williams, 782 F.2d 867 (9th Cir. 1986) - Recognizing that pro se litigants are at a  
15      disadvantage due to their unfamiliarity with the rules of procedure and substantive law.
- 16      f. Turner v. Rogers, 564 U.S. 431 (2011) - Acknowledging that certain procedural  
17      safeguards may be required for unrepresented litigants in civil cases.

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

19          I. The Plaintiff faces challenges due to their pro se status, which places them at a  
20          significant disadvantage against experienced opposing counsel. Furthermore, the  
21          Plaintiff lacks access to legal resources such as PACER, which hinders their ability to  
22          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) . . . . .	2
Turner v. Rogers, 564 U.S. 431 (2011) . . . . .	2

**STATUTES:**

Idaho Code § 7-610 . . . . .	2, 3
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**U.S. CONSTITUTION:**

Fifth Amendment . . . . .	1
Fourteenth Amendment . . . . .	1

Dated this 30 day of March 2023.

Respectfully submitted,  
Jeremy L. Bass  
Plaintiff/ Pro Se

\_\_\_\_\_  
Signature

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 30th, 2023, at the following email address and postal address:

Email: mnewell@idealawgroupllc.com  
Postal: Michael J. Newell ISBA #1953  
IDEA Law Group, LLC  
4530 S. Eastern Ave., Ste. 10  
Las Vegas, NV 89119

Postal: Randall Szabo #10901  
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BOISE, ID 83702

Postal: CARRINGTON MORTGAGE SERVICES  
C T CORPORATION SYSTEM  
1555 W SHORELINE DR  
STE 100  
BOISE, ID 83702

Jeremy L. Bass  
Plaintiff

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Signature

**ACKNOWLEDGMENT**

STATE OF IDAHO )

: ss.

County of NEZ PERCE COUNTY )

On the \_21\_ day of \_\_FEBRUARY\_\_, 2023, 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: \_\_\_\_\_