

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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LORRAINE KIMPEL,
Plaintiff,

96 CV 1375 (NG)

v.

**MEMORANDUM
AND ORDER**

**RICHARD J. SCHLICHTIG and
KATHLEEN ROMANO SCHLICHTIG,**
Defendants.

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GERSHON, United States District Court:

Lorraine Kimpel, the plaintiff in this action, who is currently appearing *pro se*, has filed an application for the appointment of counsel on the ground of indigence. Upon a review of the application, I have determined that it should be denied.

The Second Circuit Court of Appeals directs that several factors should govern a district court's consideration of an indigent party's application for appointment of counsel. The district court must first ascertain "whether the indigent's position [is] likely to be of substance." *Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989). If the indigent's claim meets this threshold, the district court should then consider several other factors, including

- 1) plaintiff's ability to obtain representation independently,
- 2) his ability to handle the case without assistance in light of the required factual investigation,
- 3) the complexity of the legal issues, and
- 4) the need for expertly conducted cross-examination to test veracity.

Id. In addition, since "volunteer lawyer time is a precious commodity that should not be allocated arbitrarily, the Second Circuit Court of Appeals requires district courts to scrutinize carefully requests for appointment of counsel, and not grant such applications indiscriminately." *Katzman v. Freeh*, 926 F. Supp. 316, 321 (E.D.N.Y. 1996) (citing *Cooper*).

At this stage of the litigation, the court is unable to determine the strength of Kimpel's claim. However, even assuming that she meets this threshold, she has not demonstrated that other relevant factors warrant the appointment of counsel.

CONCLUSION

The plaintiff's application for appointment of counsel is DENIED.

SO ORDERED.



Nina Gershon
United States District Judge

Dated: June 18, 1998
Brooklyn, New York