

Winston Pro Bono Team Decisively Answers Judge's Call

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A Chicago-based Winston & Strawn pro bono team scored a major win in the Seventh Circuit Court of Appeals after responding to the judge's call for help. Our client, an inmate at Pontiac Correctional Center, was attacked by a prison guard and filed a lawsuit for redress. Immediately upon filing his lawsuit, our client told the lower court judge that he suffered from mental and intellectual disabilities that severely impaired his ability to prosecute his case, essentially making him blind to the legal process. He repeatedly asked the court for the assistance of appointed counsel; the district court repeatedly refused, saying the case was not "unduly complex." Eventually, after our client failed to respond to the defendant's discovery requests—though still filing renewed requests for counsel—the court dismissed the case for want of prosecution. Still unassisted by counsel, our client did not file his appeal on time. Rather, seven months later, he filed a Rule 60(b) motion seeking "extraordinary" relief. The district court denied the request, and Winston was asked to handle the appeal.

Although facing the unforgiving standard of a denial of a Rule 60(b) motion, the Seventh Circuit agreed with Winston that our client's case presented extraordinary circumstances justifying relief under Rule 60(b)(6). The Judge, writing for the court, stated simply, "[the client] needs help—needs it bad—needs a lawyer desperately." In addition to our client's intellectual limitations and his diligent efforts to request counsel, the Seventh Circuit also noted the district court's irregular handling of the matter and characterized the defendant's discovery requests as "little better than a ploy aimed at a person incapable of responding intelligently."

Associate Michael Meneghini argued the case with Partner Steve D'Amore supervising the appeal. Partners Matt Carter, and Maureen Rurka also provided invaluable assistance and helped moot the case.

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