

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Silvia Warner v. LSU Health Sciences Center—New Orleans, et al.

Warner · No. 26-253 · Decided April 27, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana denied Silvia Warner’s motion to appoint counsel in her employment discrimination action against LSU Health Sciences Center–New Orleans and related defendants. The court concluded that Warner could adequately investigate and prosecute the case through the pretrial phase, that her claims were not frivolous, and that she could not financially retain counsel. The court stated that it would reconsider appointed counsel if the case proceeds to trial.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Janis van Meerveld
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	April 27, 2026
DOCKET	26-253
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff proceeding in forma pauperis moved for appointment of counsel in an employment-discrimination action. The district court considered the motion after a hearing and denied it without prejudice to renewal if the case proceeds to trial.
STANDARD OF REVIEW	Discretionary determination under 28 U.S.C. § 1915(e)(1) and Title VII's counsel-appointment provision, based on the complexity and merits of the case, the plaintiff's ability to investigate and present it, efforts to obtain counsel, financial ability to retain counsel, the need for trial and cross-examination skills, and whether appointment would benefit the parties and the court.
PRECEDENTIAL VALUE	Unpublished district-court order; generally nonprecedential.
PARTIES	Silvia Warner v. LSU Health Sciences Center—New Orleans, Board of Supervisors of Louisiana State University, Eight individual employees

TOPICS

civil procedure

employment discrimination

title vii

ada / disability

racial discrimination

PRACTICE AREAS

civil procedure

employment law

employment discrimination

civil rights

QUESTIONS PRESENTED

1. Whether the interests of justice warranted appointment of counsel for an indigent plaintiff under 28 U.S.C. § 1915(e)(1).
2. Whether counsel should be appointed for a Title VII complainant under 42 U.S.C. § 2000e-5(f)(1), considering the merits of the claims, efforts to obtain counsel, and financial ability to retain counsel.

HOLDINGS

1. Appointment of counsel was not warranted at the pretrial stage because Warner demonstrated that she could investigate her claims, conduct written motion practice and discovery, and adequately present her position.
2. Title VII did not create an automatic right to appointed counsel, and appointment was not appropriate because, although Warner had made adequate efforts to obtain counsel and lacked the financial ability to retain counsel, her claims were not frivolous and she was capable of representing herself at that stage.

KEY QUOTATIONS

“The Court finds that the interests of justice do not warrant appointment of counsel at this time.”

“The statute does not create an automatic right to counsel.”

“No one factor is conclusive.”

FACTUAL BACKGROUND

Warner alleged that she was terminated from her Administrative Coordinator 4 position at LSU Health Sciences Center—New Orleans after 24 years of employment. She asserted race, sex, age, disability, retaliation, hostile-work-environment, and Equal Pay Act claims, and stated that the most intense harassment occurred after she requested accommodations for PTSD, anxiety, and depression. Warner identified potentially relevant employment, medical, and communications records and reported unsuccessful efforts to obtain counsel. The court found that she had adequately advocated her position, identified relevant evidence, and filed a more detailed amended complaint without assistance from appointed counsel.

PROCEDURAL HISTORY

Warner filed the employment-discrimination lawsuit on February 2, 2026, and was authorized to proceed in forma pauperis. The Board of Supervisors filed a motion to dismiss, and Warner opposed that motion and filed an amended complaint as a matter of course. After a March 10, 2026 hearing on Warner's motion to appoint

counsel, the court denied appointment because she had demonstrated an ability to investigate and present her claims during the pretrial phase.

DISPOSITION

other

CASES CITED

- Branch, 686 F.2d at 266
- Parker v. Carpenter, 978 F.2d 190, 193 (5th Cir. 1992)
- Murphy v. Kellar, 950 F.2d 290, 293 n.14 (5th Cir. 1992)
- Ulmer v. Chancellor, 691 F.2d 209, 213 (5th Cir. 1982)
- Gonzalez v. Carlin, 907 F.2d 573, 579-80 (5th Cir. 1990)
- Buesgens v. Snow, 169 F. App'x 869, 870 (5th Cir. 2006)
- Poindexter v. F.B.I., 737 F.2d 1173, 1181 (D.C. Cir. 1984)