

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

KENNETH T. DEPUTY,

Plaintiff,

v.

DR. J. CONLAN

Defendant.

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) C.A. No. 12C-05-163-MMJ

Submitted: April 17, 2014

Decided: June 5, 2014

MEMORANDUM OPINION

On Plaintiff's Motion for Appointment of Counsel
DENIED

Kenneth T. Deputy, *Pro Se*, Plaintiff

Scott G. Wilcox, Esquire, Whiteford, Taylor & Preston, LLC, Wilmington,
Delaware, Attorney for the Defendant.

JOHNSTON, J.

The Delaware Superior Court has the “inherent authority to appoint counsel for an indigent person in a civil suit.”¹ The Court will only appoint counsel if it is demonstrated that the prisoner does not have meaningful access to the courts by other alternatives.² Meaningful access has been interpreted to mean “either access to an adequate law library or legal assistance in the preparation of complaints, appeals, petitions, etc., though the State is vested with discretion to select the method by which to implement this constitutional guarantee.”³ The State rarely appoints counsel to prisoners for civil claims.⁴

Deputy has access to the prison law library. He successfully appealed the dismissal of his 2007 lawsuit to the Delaware Supreme Court. There is nothing in the record to show Deputy is being denied “meaningful access” to the Courts.

Deputy’s instant motion also fails to demonstrate the need for court-appointed counsel at State expense. The Court must deny Deputy’s request to appoint an attorney. Deputy has not provided any new or different facts or law in support of his motion. The Court recommends that Plaintiff seek counsel through Delaware Volunteer Legal Services or Community Legal Aid Society, Inc.

¹ *Vick v. Dep’t of Corr.*, 1986 WL 8003, at *2 (Del. Super.).

² *Id.*

³ *Id.* at *1.

⁴ *See Jenkins v. Dover Police Comm’r*, 2002 WL 663912 (Del. Super.).

THEREFORE, Plaintiff's Motion for the Appointment of Counsel is
hereby **DENIED**.

IT IS SO ORDERED.

The Honorable Mary M. Johnston