

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

LOUISE TOWNSEND,)	
)	
Claimant Below-Appellant,)	
)	C.A. No. N13A-02-003 CLS
v.)	
)	
INTEGRATED MANUFACTURING)	
AND ASSEMBLY,)	
)	
Employer Below-Appellee)	

ORDER

Introduction

Integrated Manufacturing and Assembly (“Employer”) has moved to dismiss Appellant’s Appeal of the Industrial Accident Board’s January 14, 2013 decision, stating that Louise Townsend’s (“Claimant”) husband and daughter have engaged in the unauthorized practice of law. Employer’s motion is hereby granted for the reasons that follow.

Background

This Motion to Dismiss arises from a series of incidents beginning May 27, 2008 when Claimant filed a Petition to Determine Compensation Due against Integrated Manufacturing and Assembly (“Employer”) for alleged injuries

sustained during a work accident on March 6, 2008. On January 14, 2013, after five years of a pending Petition, four rescheduled hearings, two withdrawn attorneys, and a three-year stay, the Board dismissed Claimant's Petition with prejudice.

In response to the Board's decision, the claimant's husband, David Townsend ("Mr. Townsend"), and the claimant's daughter, Zinova Townsend ("Ms. Townsend"), filed an appeal on February 6, 2013. On February 28, 2013, the Employer submitted this Motion to Dismiss based on the Claimant's husband and daughter's engagement in the unauthorized practice of law. On April 17, 2013, the Court informed Appellant that she had 30 days to respond to Employer's motion and that the response needed to be filed by an attorney authorized to practice in Delaware. On May 28, 2013, Mr. Townsend submitted a letter to the Court stating that he was seeking attorneys to represent his wife in this appeal. To date, the Court has not received a response filed by an attorney.

Discussion

The unauthorized practice of law "occurs where there is an exercise of judgment on a legal matter by someone acting in a representative capacity...if it occurs in Delaware, on a matter of Delaware law, by someone not admitted to the Delaware Bar."¹ The policy against unauthorized practice of law exists to insure

¹ *In re Mid-Atlantic Settlement Servs., Inc.*, 755 A.2d 389, at *21 (Del. 2000).

the public's enjoyment of representation by "individuals who have been found to possess the necessary skills and training to represent others."² Thus, a non-party who is not "a member of the Bar of this Court, a party appearing *pro se*, or an attorney admitted *pro hac vice*," may not participate in an appeal in this Court.³

Here, by submitting this appeal, Mr. and Ms. Townsend are exercising judgment on a legal matter and acting in the representative capacity of Louise Townsend regarding an incident which occurred in Delaware and involves Delaware law. Additionally, Mr. and Ms. Townsend are not admitted to the Delaware Bar, appearing *pro se*, or admitted *pro hac vice*. As Powers of Attorney, who are not lawyers, neither possesses "the necessary skills and training to represent others."⁴ Hence, they may not participate in an appeal in this Court.⁵

Conclusion

For the reasons stated above, the Employer's Motion to Dismiss is
GRANTED.

IT IS SO ORDERED.

Dated: July 30, 2013

/S/ CALVIN L. SCOTT
Judge Calvin L. Scott, Jr.

² *Snyder v. Martin*, 820 A.2d 390, 393 (Del. Fam. Ct. 2001).

³ *Townsend v. Griffith*, 570 A.2d 1157, 1158 (Del. 1990) (Citing Supr.Ct.R. 12); *Delaware State Bar Ass'n v. Alexander*, Del. Supr. 386 A.2d 652 (1978).

⁴ *Snyder* at 393.

⁵ *Id.* (Citing *In re M. Arons*, Del.Supr. 756 A.2d 867, at 874 (2000)).