ADMINISTRATIVE DIRECTIVE 168

This 12th day of June 2008,

IT APPEARS THAT:

(1) In a substantial proportion of civil cases filed in Delaware's limited jurisdiction courts there is at least one self-represented party;

(2) Studies in other jurisdictions have indicated that self-represented civil litigants' perceptions of fairness frequently depend more upon the way that they are treated in the court system than upon the legal outcome of a case;

(3) Fairness and the perception of fairness for all, regardless of economic circumstances, through equal access to justice are goals of the Delaware Judicial Branch;

(4) While self-represented litigants frequently have difficulty navigating the court system, the Judicial Branch can help to promote fairness and the perception of fairness by addressing the needs and concerns of self-represented litigants;

(5) To that end, the Judicial Branch has made significant efforts in providing assistance to self-represented litigants in civil cases through such projects as self-help centers, coordination of a limited pro bono assistance program, and development and distribution of forms and informational materials;

(6) It is desirable that the Judicial Branch seek to further perceptions of fairness and identify additional ways of assisting self-represented litigants;

(7) A coordinated court system approach to investigating the needs and perceptions of self-represented litigants in civil cases and developing appropriate court approaches to addressing the needs and concerns of self-represented litigants would be beneficial to self-represented litigants, the courts, and the community.

NOW THEREFORE, IT IS DIRECTED, with the unanimous approval of the members of the Supreme Court, pursuant to Del. Const, Art, IV, § 13(1), that:

(1) A task force is hereby created, entitled "Delaware Courts: Fairness for All" (the "Task Force") to study perceptions of fairness and the needs of self-represented civil litigants in the Delaware courts, with its focus on those trial courts with the highest proportion of self-represented litigants. The Task Force will also oversee implementation of efforts by the court system to address identified concerns and needs.

(2) The Task Force shall be co-chaired by the Honorable Alan G. Davis, Chief Magistrate of the Justice of the Peace Court, and Patricia W. Griffin, State Court Administrator.

(3) The Chief Justice shall appoint additional members of the Task Force, including representation from the other branches of government.

(4) The Task Force's work shall complement the existing initiative underway to study and promote racial and ethical fairness in the Delaware courts, under the leadership of the Honorable Henry duPont Ridgely, Justice of the Supreme Court, and the Honorable Alex J. Smalls, Chief Judge of the Court of Common Pleas. The Task Force shall also work with the Pro Se Litigation Committee, as appropriate, although its focus shall be on court system initiatives.

(5) The Task Force shall hold at least one public hearing in each county, and undertake other appropriate initiatives, to expand the understanding of the public's perceptions of fairness in the Delaware Courts, particularly related to limited jurisdiction courts with substantial involvement of self-represented civil litigants.

(6) The Task Force shall submit a report to the Supreme Court detailing current issues related to the perception of fairness in the limited jurisdiction courts, if any, and resulting recommendations to address concerns or needs, on May 1, 2009.

BY THE COURT:

Chief Justice

c: The Honorable Ruth Ann Minner
The Honorable Randy J. Holland
The Honorable Carolyn Berger
The Honorable Jack B. Jacobs
The Honorable Henry duPont Ridgely
Members of the Judicial Conference
The Honorable Joseph R. Biden, III
The Honorable Lawrence Sullivan
State Court Administrator
Court Administrators
Clerk of the Supreme Court
Counsel to the Governor
Chair Senate Judiciary Committee
Chair House Judiciary Committee