

Report of the Subcommittee on Judicial Branch Coordination in Helping Pro Se Litigants

Delaware Access to Justice Commission

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EXECUTIVE SUMMARY

FORMATION OF THE PRO SE SUBCOMMITTEE

The Subcommittee on Judicial Branch Coordination in Helping Pro Se Litigants (“Pro Se Subcommittee”) was created by a December 15, 2014 Amended Order,¹ which established the Delaware Access to Justice Commission and its subcommittees, one of which was the Pro Se Subcommittee. The Pro Se Subcommittee was charged with the following:

- Objective 1: Examine whether the judiciary is effectively coordinating its approach to helping pro se litigants, including exploration of technology solutions.
- Objective 2: Explore ways the courts can coordinate their pro se assistance efforts more effectively and consider conversion of currently underutilized law libraries into pro se assistance centers that are not court specific.
- Objective 3: Consider whether Delaware should allow limited legal representation in specific areas where litigants have difficulty obtaining affordable legal services and a compelling human need, such as cases involving evictions or family law. This will include consideration of whether modification of the Delaware Rules of Professional Conduct is necessary and whether Delaware should allow para-professionals to represent litigants in certain cases.

The Pro Se Subcommittee gathered information through a variety of methods including meeting with members of individual courts, implementing surveys, and researching national best practices.

¹Amended Order, available at <http://courts.delaware.gov/supreme/docs/ATJ-Order-2014Dec15.pdf>.

SUMMARY OF FINDINGS

Objective 1: Examine whether the judiciary is effectively coordinating its approach to helping pro se litigants, including exploration of technology solutions.

- I. Each court in Delaware is responding to the increasing needs of the pro se litigant with the creation of both on-site and online materials.
- II. There is some coordination across individual courts in the area of training as a result of recommendations made by the 2009 Fairness for All Task Force Report, but the response to pro se litigant needs has not otherwise been coordinated. Coordination of training has included the following:
 - Adoption of Judicial Guidelines for Civil Hearings Involving Self-Represented Litigants.²
 - Ongoing education for judicial officers in handling pro se litigant cases since 2009.
 - New Employee Training has included a Legal Advice vs. Legal Information session since 2013.
- III. The Delaware courts website, courts.delaware.gov, has an abundance of information for the pro se litigant, which demonstrates a successful use of technology to help pro se litigants.
- IV. Despite the great amount of information for the pro se litigant on the courts website, it can be difficult to find needed information. A recent website redesign took the first step towards making the website easier to navigate for the pro se litigant.
- V. The pro se litigant information offered on the website is primarily text, which can be lengthy, and perhaps not easily understood by all self-represented litigants.
- VI. The courts website provides very little for the Spanish speaking pro se litigant.

² Judicial Guidelines for Civil Hearings Involving Self-Represented Litigants, available at <http://courts.delaware.gov/supreme/admdir/ad178guidelines.pdf>.

- VII.** More resources on-site and online are needed to meet the needs of pro se litigants.
- VIII.** Judicial officers and operational staff interviewed were all willing to work towards cross-court collaboration in meeting the needs of the pro se litigant, but a front line court staff survey created by the Pro Se Subcommittee revealed a less optimistic response to potential cross-court collaboration.

Objective 2: Explore ways the courts can coordinate their pro se assistance efforts more effectively and consider conversion of currently underutilized law libraries into pro se assistance centers that are not court specific.

- I.** The Delaware law libraries are currently underutilized.
- II.** The law librarians already offer assistance to pro se litigants and view the addition of a Pro Se Center within the library as a natural evolution of that process.
- III.** Delaware's law libraries in each of the three counties are able to be converted into pro se assistance centers because they already have the physical space and some of the resources necessary for a Pro Se Center.
- IV.** Pro Se Centers must offer certain services at a minimum to begin to meet the needs of pro se litigants. To best serve pro se litigants, Pro Se Centers must provide the following:
- Computers to access court forms.
 - Printed court forms.
 - Some guidance from staff on completion of court-sanctioned forms.
 - Research materials addressing the applicable law, court rules, and court procedures in English and Spanish when possible.
 - Sufficient staff to service the pro se litigants.
- V.** Some investment will be needed for the conversion of the law libraries into Pro Se Centers. To provide the services that must be offered in a pro se center, the following needs to be done:

- Increase staffing at the law libraries so there will be sufficient staff to meet the needs of pro se litigants.
- Add work stations for the additional staff.
- Draft written protocols governing the triaging of pro se litigants and the conduct of staff in Pro Se Centers.
- Create signage, in both English and Spanish, directing pro se litigants to the Pro Se Centers as well as signage within the Pro Se Centers directing pro se litigants to relevant locations.
- To increase efficiency and security, the layout of the law libraries should be altered to serve their new mission as Pro Se Centers.
- Additional computers should be added to the Pro Se Centers, which will require expanded contracts for vendors like Westlaw.
- Court forms and form instructions should be routinely analyzed and updated to ensure accuracy and utility.
- Additional resource materials for the pro se litigant should be purchased in both English and Spanish when possible.
- A Pro Se Center website, as part of the Delaware courts website, should be developed.

VI. Electronic filing (“e-filing”) services are vital to a self-help center because they facilitate a one stop shopping approach to court business. Those e-filing at the Pro Se Centers may have questions about what they are filing, and so staff should be prepared to offer e-filing assistance. Staff may also need to accept payments as low income filers may not have credit cards and would need to pay in cash or money order. If accepting payments, additional security will need to be considered.

Objective 3: Consider whether Delaware should allow limited legal representation in specific areas where litigants have difficulty obtaining affordable legal services and a compelling human need, such as cases involving evictions or family law. This will include consideration of whether modification of the Delaware Rules of Professional Conduct is necessary and whether Delaware should allow para-professionals to represent litigants in certain cases.

I. Rule 1.2(c) and Rule 6.5 of the Delaware Rules of Professional Conduct

refer to limited scope representation and the responsibility to determine conflicts.

- II. The Delaware Family Court Rules of Civil Procedure also address limited scope representation by requiring written entries of appearance for each matter for which the attorney will represent the client.
- III. There are two Delaware ethics opinions on the subject of limited scope representation.
- IV. The Bench Bar Committee on Limited Scope Representation presented recommended changes to the Delaware Rules of Professional Conduct in 2010 to then Chief Justice Myron Steele. These recommendations were not adopted.

SUMMARY OF RECOMMENDATIONS

Objective 1: Examine whether the judiciary is effectively coordinating its approach to helping pro se litigants, including exploration of technology solutions.

Continue improving the Delaware Courts website to better serve pro se litigants

- I. Plain language and a mix of graphics and video would make the Delaware Courts website easier for the pro se litigant to navigate as well as more helpful.
- II. The Pro Se Subcommittee recommends changing “Delaware State Courts Citizen Help,” “Citizen Help,” and “Help” to “Self Help” on the website.
- III. Make the “Help” link at the top right of the homepage more prominent.
- IV. Rearrange the “Delaware State Courts Citizen Help” Section so that users will have more information visible to them without being overwhelmed by text.
- V. Additional Pro Se Litigant Information that is often requested should be included in the “Delaware State Courts Citizen Help” section.

- VI. There are a few resources for Spanish speaking people on the website, the court should make these accessible from the homepage in the Spanish language, and the website should also include information in Spanish that explains the interpreter services they are entitled to have.

Objective 2: Explore ways the courts can coordinate their pro se assistance efforts more effectively and consider conversion of currently underutilized law libraries into pro se assistance centers that are not court specific.

Convert Delaware's Law Libraries into Pro Se Centers

To investigate whether the three law libraries in each Delaware county could be converted into pro se assistance centers, the Pro Se Subcommittee formed a smaller working group led by Jason C. Jowers, Esq. This group produced a report, "Locating Delaware Pro Se Centers in Law Libraries," which includes much more detailed findings and recommendations on the potential use of law libraries as pro se assistance centers. That report is attached as Exhibit C.

- I. Delaware's Pro Se Centers should be housed in Delaware's law libraries in each of the three counties and certain investments must be made if the Pro Se Centers are to function successfully.
- II. When the necessary investments have been made in the Pro Se Centers, additional, but preferred, services may be offered in the Pro Se Centers. These services are focused on providing the pro se litigant with more in depth assistance through helpful programs and community information.
- III. A single administrator, chief law librarian or attorney should have authority over all three Pro Se Centers.
- IV. The Pro Se Centers should be staffed by a rotation of court employees.
- V. Staff members of the Pro Se Centers must have even temperaments and be willing to assist pro se litigants on matters that may be outside of their own court's jurisdiction.
- VI. The Court should consider utilizing its process improvement partnership with the University of Delaware Alfred Lerner College of Business and

Economics in the early stages of the Pro Se Centers' development to ensure the Pro Se Centers will be effective and efficient from inception.

- VII. Because electronic filing ("e-filing") services are vital to a self-help center, the Court should consider offering e-filing services in its Pro Se Centers.

Adopt social media

- VIII. The Court should provide information to the public through social media.

Partner with the Delaware Public Libraries.

- IX. The Court should consider partnering with the Delaware Public Libraries to improve pro se services.

Objective 3: Consider whether Delaware should allow limited legal representation in specific areas where litigants have difficulty obtaining affordable legal services and a compelling human need, such as cases involving evictions or family law. This will include consideration of whether modification of the Delaware Rules of Professional Conduct is necessary and whether Delaware should allow para-professionals to represent litigants in certain cases.

- I. The Pro Se Subcommittee will continue to explore the expansion of limited legal representation in Delaware with the objective of making more definitive recommendations for the Court by, among other things, identifying developments since the 2010 recommendations of the Bench Bar Committee on Limited Scope Representation to then Chief Justice Myron T. Steele.
- II. The Pro Se Subcommittee will continue to work with other subcommittees of the Access to Justice Commission to consider areas of limited legal representation such as legal technicians and whether modification of the professional rules to allow para-professionals in the legal field should be made.

METHODOLOGY

The subcommittee determined that it should employ a variety of different methods by which to gain information about the needs of self-represented litigants. These methods included meeting with members of each individual court, staff surveys, public surveys, researching best practices in other states, visits to Delaware resource centers and resource centers in Maryland, and general research on best practices related to self-represented litigants. These methods are explained in more detail below, categorized by the three objectives with which the subcommittee was tasked by the Access to Justice Commission.

Objective 1: Examine whether the judiciary is effectively coordinating its approach to helping pro se litigants, including exploration of technology solutions.

Methodology:

- Members interviewed groups from each Delaware State Court regarding their court's efforts to assist pro se litigants. These interviews typically involved at least one judge from each court, as well as one or more members from the operational staff, including court clerks and/or managers.
- Information from these interviews was compiled and is represented in summary form in a chart and is attached as Exhibit A. This information includes services provided, staffing and resources utilized, training, language access issues, community outreach, development of forms and potential collaborative initiatives.
- Members toured existing pro se or assistance centers located in several courts.
- Members reviewed the pro se materials provided by courts.
- Members collected statistical data from courts regarding pro se litigant usage of services
- Members utilized an online survey in order to survey front-line staff members about their experiences with pro se litigants and their opinions as to what would be helpful. Those survey questions are attached as Exhibit B.

- Members reviewed the Fairness for All Task Force report for previously collected information and recommendations regarding pro se litigant assistance.
- Members reviewed the state court website to determine what information and materials were provided on the site and how it could potentially be improved in order to leverage technology to assist pro se litigants.
- Members interviewed judges and court staff regarding potential collaboration in an effort to understand the barriers that exist to cross-court collaboration and areas of common ground.

Objective 2: To explore ways courts can coordinate their pro se assistance efforts more effectively and to consider conversion of currently underutilized law libraries into pro se assistance centers that are not court specific.

Methodology:

- Members researched national best practices for self-help centers.
- Members of the subcommittee traveled to Ann Arundel County, Maryland and Howard County, Maryland to interview law librarians there and visit the pro se centers housed within those law libraries.
- Members of the subcommittee held a follow-up call and discussion with law librarians from the 2 Maryland counties listed above to further discuss their visit, best practices and how Delaware could utilize some of Maryland's practices in developing our own law libraries into Pro Se Centers.
- Members conducted online research into what other states and jurisdictions do to utilize law libraries to assist pro se litigants.
- Members interviewed the three Delaware law librarians to gather information about current practices, law library usage and ideas for pro se assistance.
- Members reviewed law library usage statistics
- Members visited the law libraries in New Castle, Kent and Sussex Counties to explore their space, contents and resources.

- Members developed a comprehensive report, Locating Delaware Pro Se Centers in Law Libraries, attached as Exhibit C, which outlines their investigation, findings and recommendations for the potential use of law libraries as pro se assistance centers.

Objective 3: To consider whether Delaware should allow limited legal representation in specific areas where litigants seem to have difficulty obtaining affordable legal services and where litigants have a compelling human need, such as eviction cases or family law. This will include consideration of whether modification of the Delaware Rules of Professional Conduct is necessary and whether Delaware should allow para-professionals to represent litigants in certain cases.

Methodology:

- Members researched limited legal representation programs in other states.
- Members researched the current limited legal representation program in Delaware and volunteered for the program in order to gain experience in the process.
- Members researched the ethical issues surrounding representation of pro se litigants, including the historical work of a 2010 Bench Bar Committee on Limited Scope Representation.
- Members participated in a teleconference with court employees based out of Colorado to discuss the Colorado Limited Legal Technician program and the potential of a similar program here in Delaware.

FINDINGS

In accordance with the 2014 Amended Order establishing the Access to Justice Commission, the Pro Se Subcommittee gathered information focused on the courts' pro se services, coordination of those services across courts, and whether Delaware should allow limited legal representation in specific areas. Using information gathered from interviews with members of each court, staff surveys, visits to Delaware and Maryland resource centers, and general research on best practices related to self-represented litigants, the Pro Se Subcommittee makes the following findings.

Objective 1: Examine whether the judiciary is effectively coordinating its approach to helping pro se litigants, including exploration of technology solutions.

I. Each court in Delaware is responding to the increasing needs of the pro se litigant.

Interviews with judicial officers and staff from each court revealed to the Pro Se Subcommittee that all courts are adapting to the growing needs of pro se litigants.³ The most common strategies across courts being having staff available to assist pro se litigants in person, and creating user friendly materials like fill in court forms and instruction packets with step-by-step information for topics such as divorce that are available on-site and online. Staff also monitors usage of court forms/instructions, and will make changes if necessary to increase their utility for the user.

³ A chart containing a summary of the information gathered at court interviews is attached as Exhibit A.

Court	Onsite Services	Onsite Materials	Website/Technology Services
Justice of the Peace Court (“JP Court”)	Public access terminals, police liaison for traffic cases, assistance offered by front desk clerks.	Public access computers, forms, brochures on process for various civil cases.	Court forms, FAQs, portal to pay online tickets, e-filing, rules, directives, contact information.
Court of Common Pleas (“CCP”)	Front desk clerks provide information.	Forms, brochures, payment information.	Online forms, tutorials, online fine payment, how-to-video for civil trials, sample forms.
Family Court	Full resource center in each county staffed by Family Court employees.	Forms & instructions packets, FAQs, information on related services provided.	All instruction packets and forms, how to prepare your case, links to partner agencies.
Superior Court	Front desk staff and law librarians provide individual assistance.	Forms, form instructions, sample forms, administrative directives, library resources.	Information materials, iCourtClerk.
Court of Chancery	Register in Chancery assists walk-in filers.	Sample civil action case types, information packets.	Webpages dedicated to guardianships and civil action forms.
Supreme Court	Packets, guides, and forms offered at front desk.	Packets, guides, and forms offered at front desk.	Information including guides, forms, and information regarding preparation of briefs.

II. There is some coordination across individual courts in the area of training, but the response to pro se litigant needs has not otherwise been coordinated.

While the courts' strategies in responding to pro se needs have been similar, they are created and carried out separately by individual courts. Furthermore, knowledge of procedures or subjects outside of their own court is not something a judicial staff member is offered or expected to know. A pro se litigant with an issue involving two courts would have to have get court information and/or forms by visiting both courts' locations and web pages. Another example of this individual court focus would be the Limited Legal Assistance Program coordinated by the Administrative Office of the Courts. It is offered every Monday by appointment and provides the self-represented litigants with 15 minutes of free legal assistance from a volunteer attorney, which is something that could serve any pro se litigant, but the assistance is limited to Family Court matters.

One area where coordination between the courts is present is in training for both judicial officers and staff as a result of the Fairness for All Task Force recommendations, which were released in a 2009 Report of the Task Force.⁴ In May 2011, the Judicial Guidelines for Civil Hearings Involving Self-Represented Litigants⁵ were adopted to provide guidance to judicial officers in their efforts to balance pro se litigants' perceptions of procedural fairness while maintaining neutrality in the courtroom. The annual educational retreats for all judicial officers have also had sessions devoted to handling pro se litigant issues in the courtroom.

As for the judicial staff, since 2013, New Employee Training has included an hour long session on legal advice versus legal information. Staff members are introduced to the topic, given information to understand the difference between advice and information, and work through strategies on how to respond to litigants who may be asking for legal advice. However, as was shown in the survey completed by front line staff members of JP Court, Family Court, Superior Court, and Court of Chancery, more training is needed for judicial staff. When asked if

⁴ Delaware Courts: Fairness for All Task Force Report, available at <http://courts.delaware.gov/docs/FAIRNESSFINALREPORT.pdf>.

⁵ Judicial Guidelines for Civil Hearings Involving Self-Represented Litigants, available at <http://courts.delaware.gov/supreme/admdir/ad178guidelines.pdf>.

they've received training about how to provide assistance to self-represented litigants, 40.54% of the 74 front line staff members who answered said they had not received training. Another question on the survey asked the front line staff members if their court provides materials to self-represented litigants, and of the 102 who answered, 37.25% said their courts did not provide pro se materials even though all courts have materials for the pro se litigant.⁶

III. The Delaware courts website has an abundance of information for the pro se litigant as well as a few programs and resources which demonstrate a successful use of technology to help pro se litigants.

As the chart above indicates, much of what is available for the pro se litigant on the courts website are forms, instructions on how to fill out forms, FAQs, online payment, and general information like court locations and hours. Each court maintains its own webpage and there are some successful examples of different technologies being put to use for the benefit of the pro se litigant. The iCourtClerk and Ask a Law Librarian programs allow individuals to email a question regarding Superior Court to iCourtClerk or any question regarding the Delaware courts to the law librarians. Neither offers legal advice to the pro se litigant, and while iCourtClerk is meant to answer questions about Superior Court, if the question isn't pertinent to Superior Court, the staff member will answer the question if possible or appropriately direct the person. A video on how to conduct a civil trial is also available on the website, and the JP Court has interactive forms for Debt, Return of Security Deposit, Replevin, Trespass, and Landlord Tenant Summary Possession which serve to assist users in form completion.

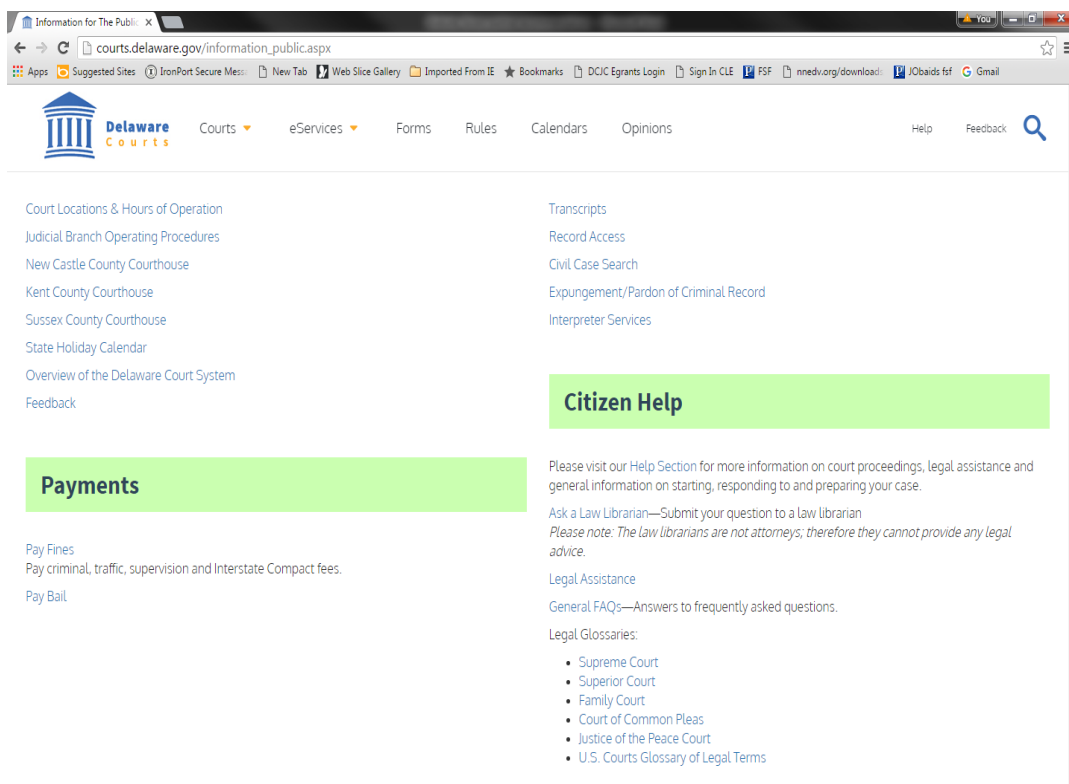
IV. Despite the great amount of information for the pro se litigant on the courts website, it can be difficult to find needed information. A recent website redesign took the first step towards making the website easier to navigate for the pro se litigant.

A redesign of the courts' website, which went live in March 2016, coincided with the Pro Se Subcommittee's investigation. Along with aesthetic changes and steps towards making the website more uniform across the courts that all design and maintain their own web pages within the website, the redesign also made the

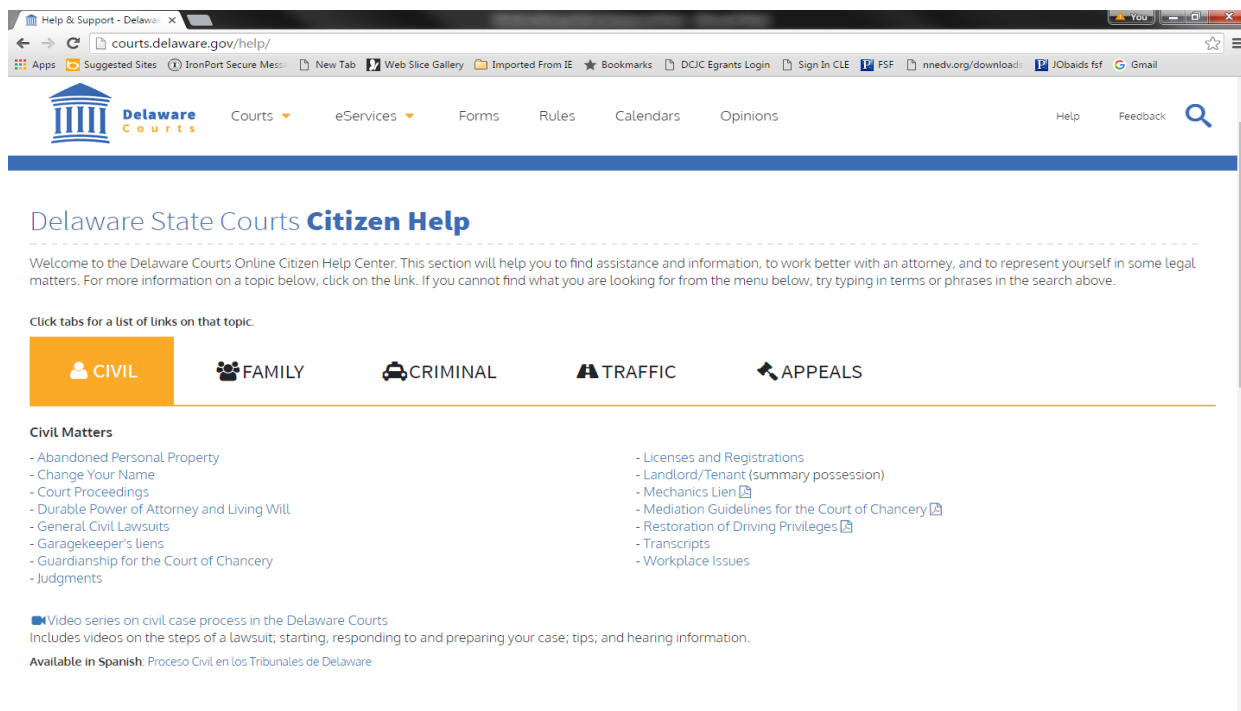
⁶ The Front Line Court Staff survey is attached as Exhibit B.

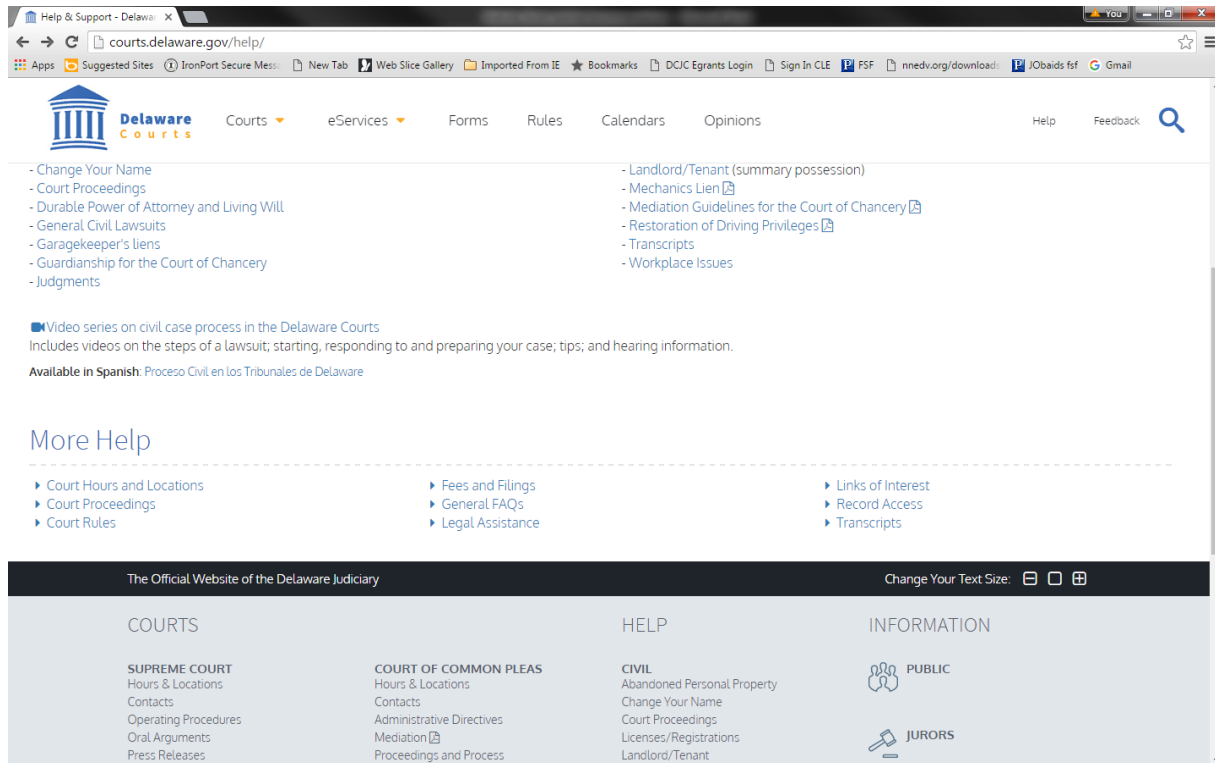
website mobile friendly which will surely be an improvement for the many users who access the internet through mobile devices. Members of the Pro Se Subcommittee were able to participate in the website redesign process by offering suggestions on how the website could be altered to better serve the pro se litigant. Some of these suggestions were accepted and as a result, the Citizen Help section of the website offers more links to resources and legal glossaries for the different Delaware courts. These glossaries and links were present on the courts website before they were placed in the Citizen Help section, but they were buried within the website.

The redesign of the website now allows users to begin a search for needed information by selecting either “The Public”, “Jurors”, “Attorneys”, or “Media.” By selecting “The Public,” the user is taken to a page with “General Court Information,” “Resources,” “Payment,” and “Citizen Help.” “Citizen Help” is the section that provides the most information for the pro se litigant. This may serve as a helpful guide for the pro se litigants who do not know which court he/she should go to for information. However, pro se litigants may not be drawn to “The Public” tab to find needed information, and subcommittee members could find no other way to get to the “Citizen Help” section from the homepage.



As the screenshot of the “Citizen Help” section shows above, some resources for the pro se litigant are presented along with a link to the “Help Section” which provides “more information on court proceedings, legal assistance, and general information on starting, responding to and preparing your case.” Once a user enters the “Help Section,” they will see it also has the heading “Delaware State Courts Citizen Help” which makes the two separate sections a bit difficult to describe because while they are linked, they are on different pages and all of the information found on “Citizen Help” (screenshot above) is not also found on the “Delaware State Courts Citizen Help.”





As shown in the screenshots above of the entire “Delaware State Courts Citizen Help” section, there are links to specific court matters and the section “More Help” on the bottom also offers more general information and some of the links that were also available in “Citizen Help.”

V. The pro se litigant information offered on the website is primarily text, which may not be easily understood by all self-represented litigants.

Most of the information available for the self-represented litigant is instructions or descriptions that can be lengthy and confusing for a pro se litigant who has difficulty reading. Furthermore, for any average person, legal and Latin terms will likely be unknown, but there are few definitions or explanations of these terms easily found on the website.

VI. The courts website provides very little for the Spanish speaking pro se litigant.

A Spanish speaking person would have to have some understanding of English to navigate the Delaware courts website. There is nothing in Spanish on

the homepage of the website, and while there are some brochures and information packets that are translated into Spanish, as well as the Spanish translation of the video on preparing for a civil court trial that can all be found within the website, these are tucked away in the individual courts’ websites, and would be hidden to a person with no English language proficiency.

VII. More resources on-site and online are needed to meet the needs of pro se litigants.

The Delaware Courts have adjusted to the growing needs of the pro se litigants through strategic use of existing staff and resources, but more resources like staff, materials, and training are needed to improve pro se services and to keep up with the growing demand.

The need for pro se resources is most keenly felt in JP Court, CCP, and Family Court where most litigants are pro se. While Superior Court, Court of Chancery, and Supreme Court do not have quite so many pro se litigants, representatives from their courts still found pro se filers to be a drain on front line staff and offered suggestions on what resources would be helpful in serving pro se litigants.

In the interviews with court representatives and the Pro Se Subcommittee, the courts identified the following highest demand claim types for the self-represented litigant as well as the resources that would improve their pro se services:

Court	Highest Demand Claim Type	Needed Resources
JP Court	Landlord tenant and truancy.	Assistance in presenting case at trial, limited access to attorney for legal assistance.
Court of Common Pleas	Consumer debt, name change petitions, construction litigation, appeals from JP Court.	Information regarding legal services, interpreters, instructional packets.

Family Court	Protection from Abuse orders, guardianships, divorce, custody/visitation.	Information regarding legal process, answers to questions that rise to the level of legal advice.
Superior Court	Expungements, board appeals, habeas corpus, petitions for return of property, redesignation of sex offender tier.	Assistance in form completion.
Court of Chancery	Guardianships.	Form completion.
Supreme Court	Post-conviction appeals.	Help with briefs, arbitration for prisoners and adult guardians, videos, web enhancements to manage expectations of litigants.

In the front line staff survey, responding survey members also offered suggestions on additional materials that would be helpful to the pro se litigant which included more sample forms and easier to understand instructions, as well as computer terminals available on-site. Assistance in filling out forms and volunteer attorneys on-site to answer legal questions were also additional services many of the respondents thought would be helpful.

VIII. Judicial officers and operational staff interviewed were all willing to work towards cross-court collaboration in meeting the needs of the pro se litigant, but the front line court staff survey revealed a less optimistic response to potential cross-court collaboration.

The representatives of each court interviewed by the Pro Se Subcommittee all said that they were willing to work together to consider cross-court collaboration for improved services for the self-represented litigant. When asked in the front line court staff survey if they'd be interested in receiving training to help self-represented litigants in other courts though, 70% of respondents said they would not be interested. While only 30 respondents actually answered this question, it is important to keep in mind that staff willingness and attitudes towards

serving pro se litigants will have a significant influence on the quality of pro se services.

Objective 2: Explore ways the courts can coordinate their pro se assistance efforts more effectively and consider conversion of currently underutilized law libraries into pro se assistance centers that are not court specific.

To investigate whether the three law libraries in each county in Delaware could be converted into pro se assistance centers, the Pro Se Subcommittee formed a smaller working group led by Jason C. Jowers, Esq. This group produced a report, “Locating Delaware Pro Se Centers in Law Libraries” that is attached as Exhibit C. This report includes much more detailed findings and recommendations on the potential use of law libraries as pro se assistance centers.

I. The Delaware law libraries are currently underutilized.

With the availability of online materials, the law libraries are rarely used by judicial officers or attorneys for research. However, pro se litigants continue to make use of the law libraries, but not in great numbers. While the Leonard L. Williams Justice Center (formerly the New Castle County Courthouse) law library is open during the regular business hours of the courthouse, the Kent and Sussex Law Libraries have limited hours and permission must be granted for an individual to use the Kent Law Library.

II. The law librarians already offer assistance to pro se litigants, and view the addition of a Pro Se Center within the library as a natural evolution of that process.

Not only do the law librarians assist pro se litigant patrons of the law libraries, but they also coordinate the Ask a Law Librarian program which allows individuals to email questions about the courts and receive a response from one of the librarians. The librarians also field emails and phone calls from pro se litigants independently of that program.

III. Delaware's law libraries in each of the three counties are able to be converted into pro se assistance centers because they already have the physical space and some of the resources necessary for a Pro Se Center.

The law librarians in each county already provide assistance to pro se litigants who make use of the law libraries. There are 6 computers in the New Castle County law library, three computers in the Kent County law library, and three computers in the Sussex law library as well as a printer at each law library. These computers access the Delaware Courts website, Lexis, and Westlaw and so are already able to assist pro se litigants with research and court information. The law libraries also have a significant amount of hard copy research material, some of which is for the pro se litigant.

IV. Pro Se Centers must offer certain services at a minimum to begin to meet the needs of pro se litigants.

To serve pro se litigants in a helpful and efficient way, Pro Se Centers should provide the following:

- Computers to access court forms.
- Printed court forms.
- Some guidance from staff on completion of court-sanctioned forms.
- Research materials addressing the applicable law, court rules, and court procedures in English and Spanish when possible.
- Sufficient staff to serve the pro se litigants.

V. Some investment will be needed for the conversion of the law libraries into Pro Se Centers.

To be able to provide the services that must be offered in a Pro Se Center, the following must be done:

- Increase staffing at the law libraries so there will be sufficient staff to meet the needs of pro se litigants.
- Add work stations for the additional staff.

- Draft written protocols governing the triaging of pro se litigants and the conduct of staff in Pro Se Centers.
- Create signage, in both English and Spanish, directing pro se litigants to the Pro Se Centers as well as signage within the Pro Se Centers directing pro se litigants to relevant locations.
- To increase efficiency and security, the layout of the law libraries should be altered to serve their new mission as Pro Se Centers.
- Additional computers should be added to the Pro Se Centers which will require expanded contracts for vendors like Westlaw.
- Court forms and form instructions should be routinely analyzed and updated to ensure accuracy and utility.
- Additional resource materials for the pro se litigant should be purchased in both English and Spanish when possible.
- A pro se center website, as part of the Delaware courts website should be developed.

Objective 3: Consider whether Delaware should allow limited legal representation in specific areas where litigants have difficulty obtaining affordable legal services and a compelling human need, such as cases involving evictions or family law.

I. Rule 1.2(c) and Rule 6.5 of the Delaware Rules of Professional Conduct refer to limited scope representation and the responsibility to determine conflicts.

- Rule 1.2(c) (“A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.”)
- Rule 6.5: (“A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter: (1) is the subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and (2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter. (b)

except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.”)

- II. The Delaware Family Court Rules of Civil Procedure also address limited scope representation by requiring written entries of appearance for each matter for which the attorney will represent the client.**
- III. There are two Delaware ethics opinions on the subject of limited scope representation.**

Delaware State Bar Association Opinion – 2006-1: A lawyer may be required to perform beyond the term of a limited scope representation agreement if the court requested, or the Client’s circumstance warranted such action. In most circumstances, an agreement to withdraw from representation would not violate any ethics requirement, as long as the lawyer provides adequate advice to Client concerning the scope of representation. In Family Court, the Court’s permission may be needed to withdraw from simple divorce petitions in certain circumstances.

Delaware State Bar Association Committee on Professional Ethics Opinion 1994-2: A legal services organization may properly limit its involvement in matters to advice and document preparation, but must disclose any significant assistance it provides to an otherwise pro se litigant. If it prepares pleadings or other documents, or provides advice or assistance on an ongoing basis, it should disclose the extent of its involvement.

- IV. The Bench Bar Committee on Limited Scope Representation presented recommended changes to the Delaware Rules of Professional Conduct in 2010 to then Chief Justice Myron Steele. These recommendations were not adopted.**

The Bench Bar Committee’s recommendations, attached as Exhibit D, were made to clarify issues with regards to the parameters of limited scope representation. In particular, the Bench Bar Committee addressed “ghost writing”, a procedure for the entry and withdrawal of limited scope representation, and ensuring informed client consent.

RECOMMENDATIONS

Objective 1: Examine whether the judiciary is effectively coordinating its approach to helping pro se litigants, including exploration of technology solutions.

The Pro Se Subcommittee has found that all Delaware Courts are responding to the rising needs of the pro se litigant by creating and providing information like guides for filling out court forms and by assigning staff to assist pro se litigants who come to the court. The Pro Se Subcommittee has also found some promising examples of successful strategies employed by the Delaware Courts to respond to the needs of the pro se litigant. Some of these responses have been in the realm of technology, such as programs like Ask a Law Librarian and the Justice of the Peace Court's interactive forms available on the courts website, while other responses have been practical but forward thinking actions such as the Superior Court staff monitoring of pro se litigant use of court forms and making necessary changes to ensure the public understands how to fill out the form.

Overall, the responses to the pro se need have not been coordinated across courts, and coordination may be the key to decreasing the burden felt by each court brought on by the rising need of the pro se litigant. With its recommendations, the Pro Se Subcommittee seeks to provide ways forward in terms of coordination so that the burden will be less for both the courts and the pro se litigants they serve. An evident way for the courts to coordinate pro se services would be through the courts website at courts.delaware.gov. The website already offers information on each court that the pro se litigant can find in one place, but improvements can be made so that the pro se litigant information is easier to find and understand.

Improving the courts.delaware.gov website to better serve pro se litigants

The Pro Se Subcommittee recommends the creation of a website, able to be accessed off of the Delaware Courts website, which is focused solely on providing information, resources, and assistance to the pro se litigant. This website would ideally function as the virtual Pro Se Center, and be maintained by Pro Se Center staff. However, this is an ambitious goal that is likely not possible in the short term due to the time, collaboration, and funding it would require. Fortunately, relatively

simple modifications to the Delaware courts website can be made to better serve pro se litigants.

I. Plain language and a mix of graphics and video would make the website easier for the pro se litigant to navigate as well as more helpful.

During the Pro Se Subcommittee's interviews with representatives from each court, we learned that staff members have devoted time to assisting pro se litigants who have difficulty reading. This was instructive in allowing for the recognition that some pro se litigants will have very little education, but even for those who have high levels of education, legal terminology may still be difficult to understand because it may actually be written in a different language. To ensure comprehension for all, whether necessary because of a lack of education or lack of familiarity with legal terminology, information on the courts website should be written in plain language. Latin and legal terms should either be left out or an explanation should be provided alongside of potentially confusing terms, and plain language should be used uniformly in all sections of the website. Plain language could be employed in modifications like changing "Restoration of Driving Privileges" to "Getting back your driver's license" or plain language could be used in descriptions easily found next to terms/words that may be difficult. For example, "Durable Power of Attorney and Living Will" could have the added description of "Allow someone to make your legal and financial decisions."

The courts website relies primarily on text to relay information. More graphics to direct users, as well as videos which provide instruction on popular topics, would be helpful in making the website more navigable for everyone and assisting those with difficulty reading. The creation of videos does not have to be an expensive undertaking. The Delaware courts already have the ability to create and share videos as demonstrated by the live oral arguments of the Supreme Court that are posted on the Supreme Court webpage. As will be discussed in further detail below, partnering with the Delaware Public Libraries would also provide the courts with the ability to make and edit videos for free. Scripts and willing court staff are all that would be needed to produce a video.

If there is discomfort with being on camera, computer based training programs such as Articulate Storyline and Adobe Captivate could also be used to

instruct pro se litigants without enlisting an “actor.” Importantly, these videos should be in prominent, easy to find places on the website such as within the “Delaware State Courts Citizen Help” section discussed in the next recommendation. A video on civil procedures was prepared for pro se litigants, but this video is difficult to find on the website.

II. The Pro Se Subcommittee recommends changing “Delaware State Courts Citizen Help,” “Citizen Help,” and “Help” to “Self Help” on the website.

This recommendation is made to create consistency and decrease confusion. A user may click on “The Public” on the homepage which would take them to the “Citizen Help” section which also includes a link to the “Help Section” which actually takes the user to the “Delaware State Courts Citizen Help” section found on another page. From the homepage, a user may click on “Help” which is in the top right of the homepage, and from there, the user will also be taken to the “Delaware State Courts Citizen Help” section. Trying to follow this description may perhaps serve to highlight the confusion. All of these pages provide assistance to the pro se litigant, and despite how similar the phrases are, the differences make navigating the website much more confusing, particularly for those who are already anxious about their involvement with the courts.

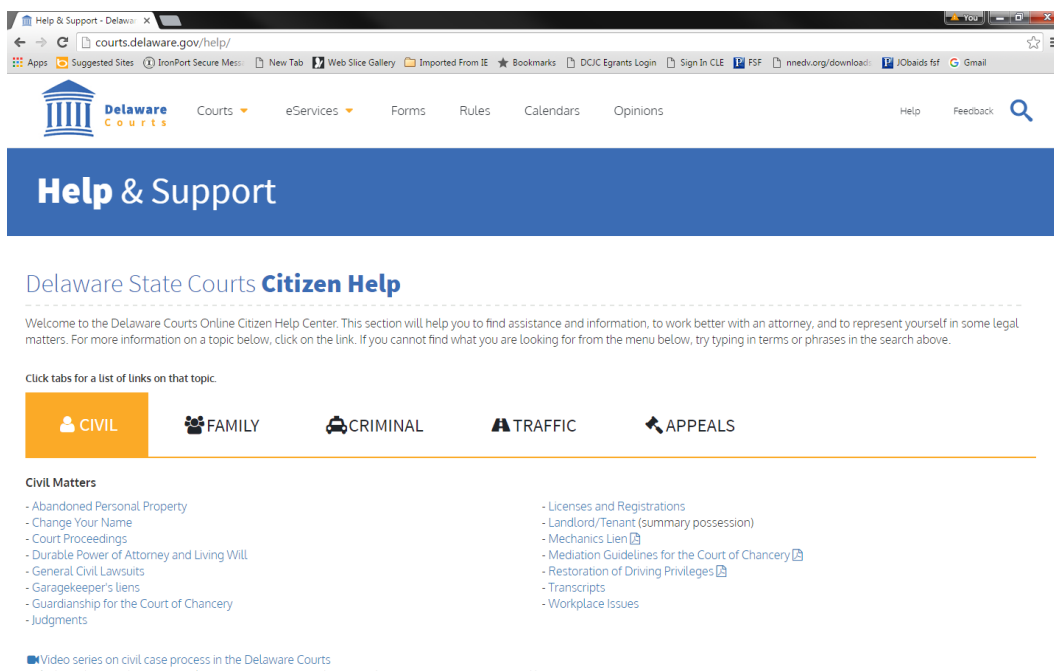
The Pro Se Subcommittee believes that the inclusion of “self” makes it more apparent that these sections are meant to assist a person by providing needed information for whatever interaction they may be having with the courts. We also prefer “self” over “citizen” because the use of “citizen” may be misunderstood by some users or inhibiting to those who are not American citizens, but do have some involvement with the courts. Because the current “Citizen Help” section includes a link to the “Help Section,” and it would be strange to have a Self Help section with a link to a self help section, we recommend deleting the line “Please visit our Help Section for more information on court proceedings, legal assistance and general information on starting, responding to and preparing your case” in favor of “More self help resources on court proceedings, legal assistance and general information on starting, responding to and preparing your case,” with the phrase “More self help resources” being linked to the Self Help page.

III. Make the “Help” link at the top right of the homepage more prominent.

Whether or not the recommendation of changing “Help” to “Self Help” is approved, the Pro Se Subcommittee does think the “Help” link on the homepage needs to be more prominent. It is not very visible, and may be mistaken for a link to technical help in regards to the website.

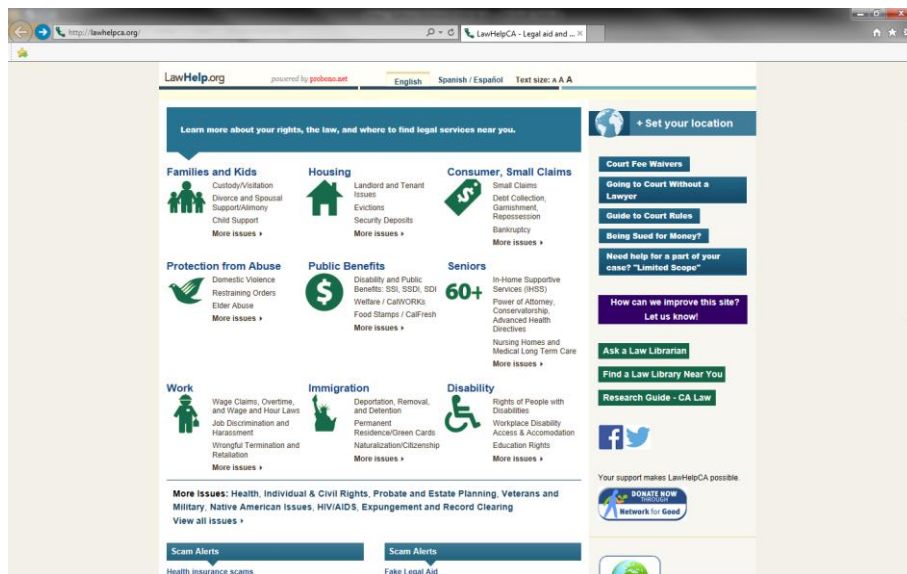
IV. Rearrange the “Delaware State Courts Citizen Help” Section so that users will have more information visible to them without being overwhelmed by text.

The Citizen Help section currently provides information under the following five tabs: “Civil,” “Family,” “Criminal,” “Traffic,” and “Appeals.”



After clicking on one of the tabs, the user is shown a list of links with further information in that area. The Pro Se Subcommittee recommends reformatting the page so that the five tabs, aided by small icons or graphics and a short list of the most popular issues in that area, will be visible to anyone who clicks on “Citizen

Help.” An example of this format can be found on the LawHelp California website at <http://lawhelpca.org/>.



V. Additional Pro Se Litigant Information that is often requested should be included in the “Delaware State Courts Citizen Help” section.

Along with the five tabs, the Pro Se Subcommittee also recommends the following additional tabs with some of the following links visible under the tab and the additional related links accessible in a longer list of resources after clicking on the tab. For those links listed below that do not actually have a link, we recommend that the Courts create this information to be available in plain language.

TABS	LINKS
Seniors	<ul style="list-style-type: none"> • Delaware Aging and Resource Center • Delaware Elder Law Handbook • End of Life Planning • Laws & Regulations • Legal Services • Advance Directives and Living Wills • Power of Attorney • Legal Assistance • Long Term Care Ombudsman

	<ul style="list-style-type: none"> • Office of the Public Guardian • Register of Wills: New Castle, Kent, Sussex
Subpoenas	<ul style="list-style-type: none"> • Family Court subpoenas • Superior Court subpoena • Delaware Code: Courts and Judicial Procedure
Landlord/Tenant	<ul style="list-style-type: none"> • How to file and defend a Summary Possession Action • Who is considered a “tenant” (we recommend JP Court create this information) • Landlord Tenant Summary Possession Interactive Form • Return of Security Deposit Interactive Form • Landlord Tenant Code • Manufactured Home Owners and Community Owners Act • Mediation for landlord tenant disputes (this information is already available in the JP Court website, but we recommend it be more easily found through a link.
Veterans	<ul style="list-style-type: none"> • Veterans Treatment Court • Veterans Treatment Court Program Manual
En Español	<ul style="list-style-type: none"> • This link should include all of the information on the website that has already been translated into Spanish as well as a link to the Court Interpreter Program.
Codes/Laws/Regulations	<ul style="list-style-type: none"> • Delaware Code • Delaware Administrative Code • Individual Town and County Codes • http://www.generalcode.com/ecode360/DE • State Codes
Judgments	<ul style="list-style-type: none"> • Family Court • Court of Common Pleas • Justice of the Peace Court • The links above should also include FAQs created by the individual court which contain answers to the following questions: “How do I remove a judgment? How long do judgments last? How does this impact my credit score and for how long? How do I pay off a judgment? Whom should I contact for more information? Someone settled their judgment with me; how/when do I notify the courts?”
Bankruptcy	<ul style="list-style-type: none"> • US Bankruptcy Court District of Delaware • Link to helpful bankruptcy information/resource guide

Civil and Criminal Records Request	<ul style="list-style-type: none"> • Links to information provided by the courts that answer the following questions: How and where do I get these records? How much do they cost? Can I view someone else’s record? What is the difference between criminal history and criminal record?
Mediation/Arbitration	<ul style="list-style-type: none"> • Links to information on the different courts mediation programs

These additional tabs and links were selected because the law librarians receive the most questions concerning these topics. It should be noted that the En Español tab would provide information that has already been translated into Spanish. There is very likely more information Spanish speakers need. Ideally, the entire website would be translated into Spanish. Because this would be an enormous task with a fee that would require regular monitoring to ensure all information in Spanish is up to date, the subcommittee recommends at least making the Spanish translations that are available easier to find.

Based on the law librarians input, we also recommend information on the following be included in the “Criminal” tab section, and all should link the user to court provided plain language explanations of what this information is, how to learn more, and answers to any other FAQs:

- Superior Court Rule 61
- Sentence Modification
- Criminal Code
- Delaware Trial Handbook
- SENTAC Benchbook

The “Family” tab should also include links to the following subjects with general information and answers to FAQs provided by Family Court in plain language:

- Subpoena
- Telephonic Conference

- Motion to Compel
- Rule to Show Cause
- Expedited/Emergency Relief

Other information to include on this page that would be helpful for the pro se litigant would be a prominent link to the overview of the court system found at <http://courts.delaware.gov/overview.aspx> along with a [court structure chart](#) which would provide a visual representation of the court system.

Currently, “Links of Interest” which takes the user to a list of state agency links are included at the bottom of the Delaware State Courts Citizen Help page, but this is not obvious through its title. As other state resources may be useful to the pro se litigant, we recommend this link be made more prominent and perhaps be altered to “Links to State Agencies.”

Lastly, the “Legal Assistance” link is provided at the bottom of the Delaware State Courts Citizen Help Page. This link provides useful information regarding representing yourself as well as potential legal services for which a pro se litigant may be eligible. We recommend separating the information found through that link into two links titled “Representing Yourself” and “How to find an Attorney.” We believe more descriptive titles will allow this information to be more easily found.

The Pro Se Subcommittee is recommending that this additional information be included on the Delaware State Courts Help Page based on its findings through the courts and the law librarians concerning what pro se litigants are using and asking for. The Subcommittee was unable to produce a mockup of a reworked Delaware State Courts Help Page at the time of this writing, but we expect that there will be necessary changes in our recommended layout as changes are adopted due to design concerns. We look forward to working with the Judicial Information Center (“JIC”) on the design if approved.

VI. There are resources for Spanish speaking people on the website. The court should make these accessible from the homepage in the Spanish language, and the website should also include information in Spanish that explains the interpreter services they are entitled to have.

The website is not navigable for someone who does not speak English. Without the funds needed to translate the entire website, there are some steps that can be taken to provide some assistance to Spanish speaking litigants. There is information translated into Spanish tucked away in the website—information from Family Court and CCP along with a Spanish translation of the video on preparing for a civil case. This information should be accessible from the homepage perhaps by a link that says—in Spanish—“Information for Spanish speakers.” Furthermore, while there is an Interpreter section in the website, that information is geared towards the interpreter, and entirely in English. Spanish speakers would benefit from knowing what to expect when coming to court in terms of how they will be heard.

Objective 2: Explore ways the courts can coordinate their pro se assistance efforts more effectively and consider conversion of currently underutilized law libraries into pro se assistance centers that are not court specific.

Convert Delaware’s Law Libraries into Pro Se Centers

I. Delaware’s Pro Se Centers should be housed in Delaware’s law libraries in each of the three counties and certain investments must be made if the Pro Se Centers are to function successfully.

Conversion of the law libraries into Pro Se Centers is a logical and efficient progression in the courts efforts to meet the needs of the pro se litigant. The law libraries already have the physical space and the infrastructure for many of the pro se services that the Pro Se Centers must offer, and the law libraries are currently underutilized. While some investments will be necessary to convert the law libraries into Pro Se Centers, the existing resources in the law libraries reduce the amount of investment that would be needed in other locations. The following are required resources for a successful Pro Se Center:

- Computers to access court forms.

- Printed court forms.
- Some guidance from staff on completion of court-sanctioned forms.
- Research materials addressing the applicable law, court rules, and court procedures in English and Spanish when possible.
- Sufficient staff to service the pro se litigants.

To be able to provide these services in a Pro Se Center, the following must be done:

- Increase staffing at the law libraries so there will be sufficient staff to meet the needs of pro se litigants.
- Add work stations for the additional staff.
- Draft written protocols governing the triaging of pro se litigants and the conduct of staff in Pro Se Centers.
- Create signage, in both English and Spanish, directing pro se litigants to the Pro Se Centers as well as signage within the pro se centers directing pro se litigants to relevant locations.
- To increase efficiency and security, the layout of the law libraries should be altered to serve their new mission as Pro Se Centers.
- Additional computers should be added to the Pro Se Centers which will require expanded contracts for vendors like Westlaw.
- Court forms and form instructions should be routinely analyzed and updated to ensure accuracy and utility.
- Additional resource materials for the pro se litigant should be purchased in both English and Spanish when possible.
- A pro se center website, as part of the Delaware courts website should be developed.

II. When the necessary investments have been made in the Pro Se Centers, additional, but preferred, services may be offered in the Pro Se Centers. These services are focused on providing the pro se litigant with more in depth assistance through helpful programs and community information.

The Pro Se Subcommittee recommends the following optional, but preferred, services:

- Interpreter services.
- Limited legal representation programs.
- Available e-filing with guidance if necessary.
- Information from community and social services.
- Training seminars for pro se specific topics.
- The ability to perform criminal background searches of convictions.

If these optional, but preferred, services are to be available, the Pro Se Subcommittee recommends the following investments:

- Renovations of law library spaces to provide for glass-enclosed office spaces for attorney consultation for limited legal representation programs.
- Interpreter staffing will be necessary to provide interpreter services, and an additional employee workstation may be necessary.
- Sufficient staffing to permit e-filing if the Pro Se Centers offer e-filing.

III. A single administrator, chief law librarian or attorney should have authority over all three Pro Se Centers.

The new head will need to digest much of the literature available on Pro Se Centers, and should be selected as soon as possible to ensure the needed aspects of a Pro Se Center will be in place. A legislative change may be necessary to address this post, the governance of the head of the Pro Se Centers over Pro Se Center matters, and the budget for the Pro Se Centers.⁷

IV. The Pro Se Centers should be staffed by a rotation of court employees.

A successful Pro Se Center must be staffed by more than one person. Furthermore, if e-filing is offered, more staff will be needed than if it is not. Determining who will staff the Pro Se Centers though, may be the most complex issue to consider during the formation of the Pro Se Centers. Because the creation of new employee positions for the Pro Se Centers is unlikely, having existing

⁷ See 10 Del. C. § 1941 (“The law library in each county maintained for the use of the judges of the courts shall be under the control and supervision respectively of the judges of the Court of Chancery and of the Superior Court residing in the county, who are empowered from time to time to purchase such law books as shall be necessary for the maintenance of the library.”).

employees from different courts serve as staff is the most practical option. Reasonable minds can differ in how to structure the rotation.

The eventual head of the Pro Se Centers and court administrators should at least consider a model where different courts are earmarked for different days. While a pro se litigant should always be allowed to use the Pro Se Center during business hours regardless of the day, they could be encouraged to come on a designated day. For example, Monday could be JP Court day, Tuesday could be Superior Court day, Wednesday could be Court of Common Pleas day, etc. If Monday is designated JP Court day, a JP Court staff person would be scheduled to rotate through the Pro Se Center that day. While all staff rotating through the Pro Se Center would be cross-trained on the other courts' procedures, having designated days may make the process more efficient. Based on tracking of the number of pro se filings, some courts, such as JP Court, likely deserve more designated hours in a week than other courts.

Staffing needs will have to be carefully addressed by court administration as employees may be merit and non-merit, exempt and non-exempt, and some employees may be members of different unions. The provision of virtual assistance may need to be considered if there are issues that cannot be resolved in getting court employees to physically rotate through the Pro Se Centers.

V. Staff members of the Pro Se Centers must have even temperaments and be willing to assist pro se litigants on matters that may be outside of their own court's jurisdiction.

Those who work in the Pro Se Centers must have even temperaments suited to working with members of the public who may be highly emotional. As recommended above, Pro Se Center staff should be guided by written protocols governing the triaging of pro se litigants and their own conduct. Staff members must adhere to these guidelines because they recognize that the assistance they provide plays a role in the pro se litigants' perception of the procedural fairness of the courts. Furthermore, Pro Se Center staff should be prepared to assist with all court matters. For example, if a staff member is on a rotation from Superior Court, and a pro se litigant has questions about a JP Court matter, that staff member must be prepared to assist that person.

VI. The Court should consider utilizing its process improvement partnership with the University of Delaware Alfred Lerner College of Business and Economics in the early stages of the Pro Se Centers' development to ensure the Pro Se Centers will be effective and efficient from inception.

At the early stages of the development of the Pro Se Centers, the new head of the Pro Se Centers and the law librarians should be guided by the process improvement partnership the Court has with the University of Delaware Alfred Lerner College of Business and Economics. Utilizing this partnership for the development of the Pro Se Centers will ensure the processes of the Pro Se Centers will be effective and efficient from inception. As pro se litigants begin to take advantage of the services offered at the Pro Se Centers, necessary changes may also need to be identified for improved efficiency and so an ongoing process improvement partnership would serve the Pro Se Center staff and users well.

VII. Because electronic filing (“e-filing”) services are vital to a self-help center, the Court should consider offering e-filing services in its Pro Se Centers.

If pro se litigants can arrive at one location, receive information and assistance, and have the ability to file on site, they are more likely to utilize the Pro Se Center. The type of electronic filing services available at the Pro Se Centers will naturally depend upon the type of filing services used by the courts represented in the center. Under the current operating systems of the courts, litigants could electronically file civil cases in the Justice of the Peace Court, Court of Common Pleas, Superior Court, and the Court of Chancery. Furthermore, as the Delaware courts move to one type of e-filing system for all courts, e-filing should become easier for both Staff and pro se litigants.

Adopt social media

VIII. The Courts should provide information to the public through social media.

Twenty seven states, Washington D.C., Guam, Puerto Rico, and the Federal Courts use some form of social media to communicate with the public.⁸ The Pro Se Committee recommends that the Delaware Courts join those states by using social media as another way to communicate necessary and helpful information to the pro se litigant and general public. Facebook and Twitter accounts can be used as a platform to share basic and historical information about the Delaware courts as well as feature useful information for pro se litigants. Using social media would also provide opportunities for collaboration with legal aid agencies, the Delaware State Bar Association, and state agencies to ensure that the pro se litigant has more opportunities to find the resources that may be useful.

The National Center for State Courts has an abundance of resource materials and staff contacts to instruct state courts on judicial use of social media in its Social Media and the Courts Network available at: <http://www.ncsc.org/Topics/Media/Social-Media-and-the-Courts/Social-Media/Home.aspx>. Other states' social media accounts can also be monitored for further information and examples.

If there is discomfort with the judicial branch using social media, the social media accounts could be housed within the Pro Se Center (meaning the accounts' name would be some iteration of Delaware Pro Se Center) instead of the Delaware Courts. Regardless of the accounts' association, the administration could be a duty of the law librarians and/or pro se resource center staff who follow guidelines created and approved by court administrators.

⁸ A list of the states participating in social media, with links to those accounts, is available at: <http://www.ncsc.org/Topics/Media/Social-Media-and-the-Courts/State-Links.aspx?cat=Social%20Media%20and%20the%20Courts>.

Partner with the Delaware Public Libraries.

IX. The Pro Se Subcommittee recommends partnering with the Delaware Public Libraries to improve pro se services.

Leslie C. Leach, Librarian at Skadden and member of the Pro Se Subcommittee, has met with Alta Porterfield, the Community Resource Administrator & Statewide Coordinator with the Delaware Division of Libraries to discuss the work of the Pro Se Subcommittee and potential areas for coordination. The libraries already partner with state agencies and non-profits across the state to enhance public outreach and access to information. Partnering with the Delaware Courts would be a mutually beneficial development.

Some of the benefits of partnering with the libraries are:

- Joining the library partners' listserv which would enable the courts to provide the libraries and partners with pertinent court information as well as receive useful information from other partners.
- Libraries have meeting space that would be available for the courts' use for community outreach programs and could potentially provide space for pro se clients and attorneys to meet.
- Video conferencing is also available on Thursdays in each county.
- Pro Se information could also be posted and available in printed form in libraries.
- The Wilmington, Dover, and Georgetown libraries have available video recording and editing software for partner use.
- The law libraries' holdings may be added to the statewide library catalog. These holdings won't be available for circulation, but the public will be able to learn what types of materials would be at each of the libraries (or Pro Se Centers). Cataloging this information will require volunteers and/or funding.

The Public Libraries would not only provide the courts with a new avenue to provide the public information, but they would also enable the courts to bolster the programs it is already able to provide as well as create new ones. For example, the Limited Legal Assistance Program is only available in the Leonard L. Williams Justice Center. With video conferencing, volunteer attorneys would be able to reach pro se

litigants in Kent and Sussex Counties. Public Libraries also have evening and weekend hours which may be more convenient for the public, and greatly reduce the administrative difficulty and cost in opening the courthouses to the public after business hours.

Objective 3: Consider whether Delaware should allow limited legal representation in specific areas where litigants have difficulty obtaining affordable legal services and a compelling human need, such as cases involving evictions or family law. This will include consideration of whether modification of the Delaware Rules of Professional Conduct is necessary and whether Delaware should allow para-professionals to represent litigants in certain cases.

- I. The Pro Se Subcommittee will continue to explore the expansion of limited legal representation in Delaware with the objective of making more definitive recommendations for the Court by, among other things, identifying developments since the 2010 recommendations of the Bench Bar Committee on Limited Scope Representation to then Chief Justice Myron T. Steele.**
- II. The Pro Se Subcommittee will continue to work with other subcommittees of the Access to Justice Commission to consider areas of limited legal representation such as legal technicians and whether modification of the professional rules to allow para-professionals in the legal field should be made.**

THE EXHIBITS TO THIS REPORT ARE
AVAILABLE AT:

<http://courts.delaware.gov/supreme/access.aspx>