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Delaware Access to Justice Commission
Final Report of Civil Subcommittees to the Delaware Supreme Court.

Report released today is the product of two years of work.

Today, as we observe Constitution Day, three subcommittees of the Delaware Access to Justice Commission focused on civil issues in the Delaware judicial system submitted their joint Final Report to the Delaware Supreme Court. The Report, unveiled at the offices of the Delaware State Bar Association, contained the subcommittees' findings and recommendations concerning the efficiency and funding of legal aid services in Delaware, increasing help to pro se litigants, and promoting more pro bono representation of underserved litigants.

Chief Justice Leo E. Strine, Jr. and Justice Karen L. Valihura, who are the Delaware Supreme Court liaisons to the Access to Justice Commission, accepted the Report on behalf of the Supreme Court.

“Our Constitutional concept of justice is hollow unless its promise is real for everyone. The reports we have received today provide a blueprint for opening up the avenues of justice so that they are more open to all Delawareans. To make that blueprint a reality, the Judiciary and its key constituencies must pull together, put the public we serve first, and be willing to innovate in order to meet the needs of a complex society for cost-effective and timely resolution of their diverse legal problems. Our Judiciary is tremendously grateful to the volunteer members of the Commission who put in thousands of hours of work to make our system of justice fairer,” said Chief Justice Strine.

“I want to thank the subcommittee chairs and all the subcommittee members for their dedication and hard work in this effort to help Delaware’s economically disadvantaged citizens achieve better access to justice. This final report is extremely thorough and well done and everyone involved should be proud of what they have produced. We are in the process of reviewing the recommendations closely with an eye towards implementing some items as quickly as possible. A few others will need further study and evaluation in the next phase of the Commission’s work,” said Justice Valihura.

The Delaware Supreme Court created the Access to Justice Commission in 2014 “to identify the critical needs related to access to justice in Delaware and to develop realistic and cost effective solutions to meet those needs.” In order to accomplish that directive, three subcommittees focusing on civil justice were created along with one committee focused on criminal justice.

The three civil justice subcommittees, who submitted a joint final report today, are:

- The Subcommittee on the Efficient Delivery and Adequate Funding of Legal Services to the Poor (the Funding Subcommittee);
- The Subcommittee on Judicial Branch Coordination in Helping Pro Se Litigants (the Pro Se Subcommittee); and

- The Subcommittee on Promoting Greater Private Sector Representation of Underserved Litigants (the Pro Bono Subcommittee).

The committee focusing on criminal justice – the Fairness Committee – continues to gather findings and prepare recommendations for its own report. All the voting members, who serve on the Commission and its Subcommittees, are private citizens to ensure that the findings and recommendations of the Commission are independent. Judges, staff, and employees of the state also participate in the work of the Access to Justice Commission, but they do so in a non-voting capacity.

During its two years of work, the Funding Subcommittee, chaired by Suzanne Grant and Donald Puglisi, found that Delaware’s three legal aid organizations – Community Legal Aid Society, Delaware Volunteer Legal Services and Legal Services Corporation of Delaware – were effective in their service to the low income population, but only had the resources to serve the legal needs of one-eighth of the low income population. The Subcommittee also found that legal aid to low income people is a societal issue that requires support beyond the legal community.

Recommendations of the Funding Subcommittee include:

- Supporting increased state funding for Delaware’s three legal aid organizations;
- Increasing the operational efficiencies of the legal aid organizations through use of a common party for payroll, accounting, technology support, grant writing, and fundraising; and
- Exploring the private sector and foundations as additional funding sources.

The Pro Se Subcommittee, chaired by Lewis H. Lazarus, found that the Delaware Courts’ website provided a large amount of information to pro se litigants (litigants who do not have an attorney), but that the information is sometimes difficult to find and could be hard for pro se litigants to understand. It also found that the law libraries in the main courthouses of the state are underutilized, the law librarians in each county already provide assistance to pro se litigants, and that each of the law libraries have the space and resources to help pro se litigants.

Recommendations of the Pro Se Subcommittee include:

- Enhancing the Delaware Court’s website to favor plain language and including a mix of graphics and video to improve accessibility for the average citizen (some of these changes have already been carried out); and
- Converting portions of the law libraries into resource centers for pro se litigants.

The Pro Bono Subcommittee, chaired by Richard Forsten and Yvonne Takvorian Saville, found that solo and small firm practitioners confronted challenges in the management of their practices. The Pro Bono Subcommittee also found family law and consumer law were the areas of greatest need for pro bono (or free) services. Although many attorneys perform pro bono work, few attorneys provided more than 25 hours of pro bono services a year. Finally, the Subcommittee found lack of available time, along with a perceived lack of expertise and a lack of awareness about pro bono opportunities and resources, were barriers to Delaware attorneys providing pro bono services.

Recommendations of the Pro Bono Subcommittee include:

- Providing solo and small firm attorneys with law firm management assistance, such as a Law Office Management Assistance Program (which the Delaware State Bar Association has established) and free continuing legal education classes on useful topics (which the Office of Disciplinary Counsel has been offering); and
- Increasing private sector attorneys' pro bono efforts by developing statewide pro bono practice groups, holding an annual pro bono summit with a focus on family law in the first year, and creating a pro bono challenge for attorneys.

The Report is available on the Delaware Courts' website at <http://courts.delaware.gov/aoc/publications.aspx>.

Today's event also marked the end of the terms for a number of volunteer Access to Justice Commission and Subcommittee members. By way of thanks, The Delaware Supreme Court hosted a brief reception following the release of the report for the departing Commission and Subcommittee members as a small token of gratitude for their time and service.

Commission co-chairs Williams and Saville are stepping down at the end of their terms and Lewis H. Lazarus and Mary M. MaloneyHuss will take over as the new co-chairs. "Greg and Yvonne did a fantastic job as co-chairs and Mary and I hope to be able to continue in the same cooperative spirit and produce similar results in the next two years of the Commission. We are grateful for the opportunity to serve as co-chairs and are excited by the challenges that lie ahead as the Commission now focuses on implementing recommendations in the report," said Lazarus, who chaired the Pro Se Subcommittee.

"I was honored to serve as co-chair of the Access to Justice Commission for the past two years and I want to thank the Justices of the Delaware Supreme Court and particularly Chief Justice Strine, Justice Valihura and co-chair Yvonne Takvorian Saville along with all the members of the Access to Justice Commission, court staff and the commission reporters for all their hard work. I enjoyed my tenure and am proud of the work done by the Commission. I was also pleased with the collaboration between the Commission and the Delaware State Bar Association and I look forward to continuing to support the work of the Commission in some capacity after my term as co-chair ends," said Williams.

"I want to echo Greg's remarks and thank him as well and add my own thanks to the Court and to all who worked on the Access to Justice Commission. The work has been important and fulfilling and I know the recommendations outlined in the reports released today will further improve an already outstanding system of civil justice here in Delaware and make our state a model for the nation on how to improve access for all," said Saville.

A full, updated list of the refreshed Access to Justice Commission and its Subcommittees will be posted on the Access to Justice website at <http://courts.delaware.gov/supreme/access.aspx>.

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