ADMINISTRATIVE DIRECTIVE 178

This 11th day of May 2011,

IT APPEARS THAT:

(1) The Delaware Courts: Fairness for All Task Force ("Fairness Task Force"), established by Administrative Directive 168 on June 12, 2008, was tasked with studying the perceptions of fairness and the needs of self-represented litigants in civil cases in the Delaware courts, and with making recommendations and overseeing implementation efforts to address any identified needs.

(2) The Fairness Task Force concluded that judicial officers and others reported that self-represented litigants continue to have problems representing themselves and cause concerns regarding the proper balance between justice for self-represented litigants and fairness to both parties when one party is self-represented and the other has by an attorney. It recommended that the Supreme Court consider appointing a committee to address concerns that judicial officers may have regarding balancing self-represented litigants' perceptions of procedural fairness while maintaining neutrality in the courtroom.

(3) The Supreme Court appointed the Judicial Committee on Self-Represented Litigants, which was chaired by President Judge James Vaughn, Jr., and included Superior Court Judge Calvin Scott, Family Court Judges Arlene Minus Coppadge and Peter Jones, Court of Common Pleas Judges Kenneth Clark, Jr., and Charles Welch, III, and Justice of the Peace Court Judges James Tull and Robert Wall, Jr.

(4) In its report to the Supreme Court, the Judicial Committee on Self-Represented Litigants submitted the draft "Delaware's Judicial Guidelines for Civil Hearings Involving Self-Represented Litigants" that it had developed, in order to provide guidance to Delaware judges as to the appropriate handling of cases involving self-represented litigants, particularly when one party is self-represented and the other represented by an attorney.

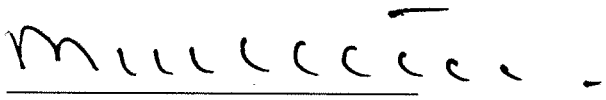
NOW THEREFORE, IT IS DIRECTED, with the unanimous approval of the members of the Supreme Court, pursuant to Del. Const., Art. IV, §13(1), that:

(A) Delaware's Judicial Guidelines for Civil Hearings involving Self-Represented Litigants are hereby adopted. A copy of the Guidelines is attached.

(B) The Guidelines are intended to provide guidance to judicial officers in their efforts to balance self-represented litigants' perceptions of procedural fairness while maintaining neutrality in the courtroom, particularly when one party is self-represented and one has an attorney. They are not intended to alter the Code of Judicial Conduct or Judges' obligations thereunder, or to create additional standards under which Judges may be disciplined.

(C) The Guidelines shall be published along with the Delaware Rules to ensure that they are readily available for reference by Delaware judges, as needed.

BY THE COURT:



Chief Justice

c: The Honorable Jack A. Markell
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 Brendan O'Neill
State Court Administrator
Court Administrators
Clerk of the Supreme Court
Counsel to the Governor
Chair Senate Judiciary Committee
Chair House Judiciary Committee