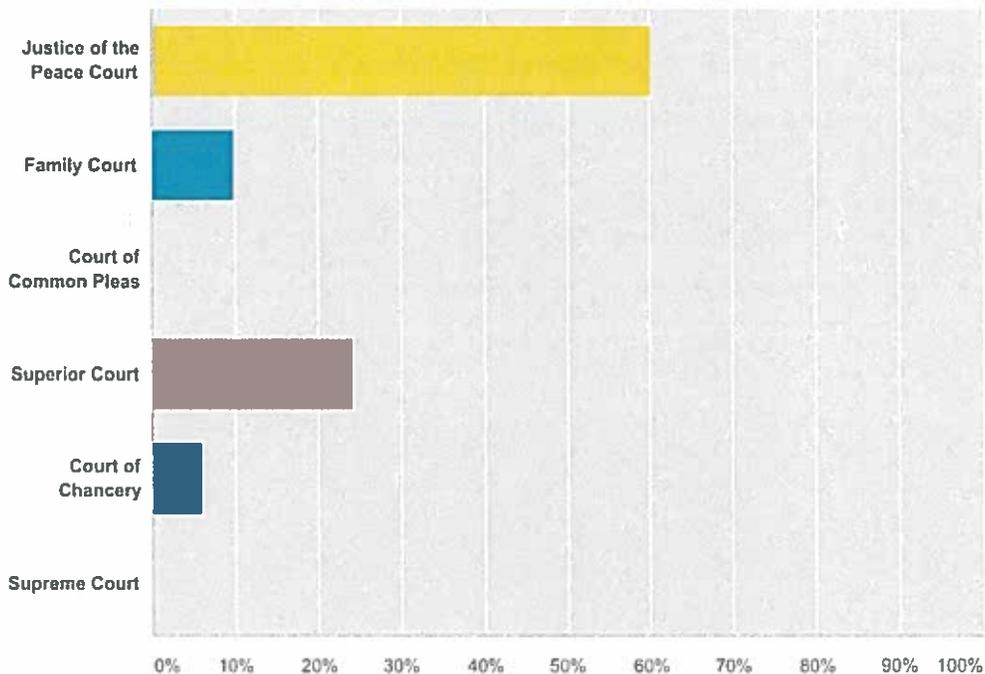


	Justice of the Peace Court	Family Court	Court of Common Pleas	Superior Court	Court of Chancery	Supreme Court
Onsite services	Public access terminals, police liaison for traffic cases, assistance offered by front desk clerks.	Full Resource Center in each county staffed by Family Court employees.	Front desk clerks provide information.	Front desk staff and law librarians provide individual assistance to pro se litigants.	Register in Chancery assist walk-in filers	Packets, guides and forms offered online and at the desk.
Onsite materials	Public access computers, forms and brochures regarding process for various civil cases.	Packets with forms and instructions, Frequently Asked Questions, information on related services provided.	Forms, brochures and payment information available at the front desk.	Forms, form instructions, sample forms and administrative directives as well as library resources.	Sample Civil Action case types, information packets	Packets, guides and forms offered online and at the desk.
Website/Technology Services	Website offers forms, FAQs, portal to pay online tickets, e-filing, rules, directives and contact information.	Robust website including all instruction packets and forms, how to prepare your case, links to partner agencies.	Online forms, tutorials, online fine payment, how-to video for civil trials and sample forms.	Information materials as well as iCourtClerk, an online answer-desk.	Website– pages dedicated to guardianships, civil action forms	Website provides information including guides/forms and information regarding preparation of briefs.
Staffing Needs	Clerks rotate through to the front desk throughout their shift.	Resource Centers employ 9 FTE in NCC, 6 FTE in Kent County and 6 FTE in Sussex County.	Clerks rotate through to the front desk throughout the day. Need a dedicated front desk staff person.	Front desk– 2 FTE in NCC, a greeter in Kent County (who directs to clerk via phone) and 1 FTE in Sussex.	NCC– staff of 8, KC and SC– staff of 3 each. Pro se filer can be a drain on staff.	3-4 staff members that are clerks/ staff attorneys review pro se briefs and assist with transcripts.
Training	Robust training on procedural fairness and customer service.	Observation, conferences, training re: legal advice.	Training is on-the-job, but would like to see more statewide training for staff and judges on pro se issues.	On the job training as well as legal info vs. legal advice training.	On the job training as well as AOC training opportunities.	On the job experience.
Language Access	Separate arraignment calendar for Spanish speaking litigants.	Language hotline, some materials translated into Spanish, referral to LACC/La Esperanza.	Several Spanish-speaking staff, language line, referral to LACC/La Esperanza.	Language hotline and court interpreters.	Court interpreters as well as friends/relatives	No language issues.
Community Outreach	Speaker's bureau, collaboration with AG's office for seminars on specific topics.	Website	Website, various committees related to pro se issues.	Website	Seminars on guardianship.	Justices offer lectures to judges and attorneys.
Statistical Data Collected	Case management system is not designed to track pro se litigant usage.	Case management system tracks pro se litigants. Resource Centers track materials used.	No system in place to track.	Case management has tracked pro se cases from 1994-current.	Pro se litigant representation tracked since 2012.	Statistics are kept manually.
User-friendly forms	Yes. Available online for civil matters– asks questions and completes form for litigant.	Yes. Uniform fill-in capable forms.	Yes. Fill-in capable forms for common case types.	No. E-filing is required and pro se representation discouraged.	Fill in forms with explanatory cover sheets.	Packets regarding practices/briefs. All electronic filing.
Interested in Collaboration	Yes	Yes	Yes. May be difficult because of different needs of litigants.	Willing to learn more and discuss.	Yes, but need someone with expertise in each area.	Yes.
Highest Demand Claim Types	Landlord tenant and truancy	PFAs, guardianships, divorce and custody/visitation	Consumer debt, name change petitions, construction litigation, appeals from JP Court.	Expungements, board appeals, Habeas Corpus, petitions for return of property and redesignation of sex offender tier.	Guardianships	Prison population/Post-conviction appeals.
Highest Demand Resources	Assistance in presenting case at trial, limited access to attorney for legal advice.	Information regarding legal process and questions that rise to the level of legal advice.	Information regarding legal services, interpreters, instructional packets.	Assistance in form completion.	Form completion.	Help with briefs, arbitration for prisoners and adult guardians, videos, web enhancement to manage expectations.

Self Represented Litigant Resources

Q1 At which Delaware court do you work?

Answered: 103 Skipped: 0

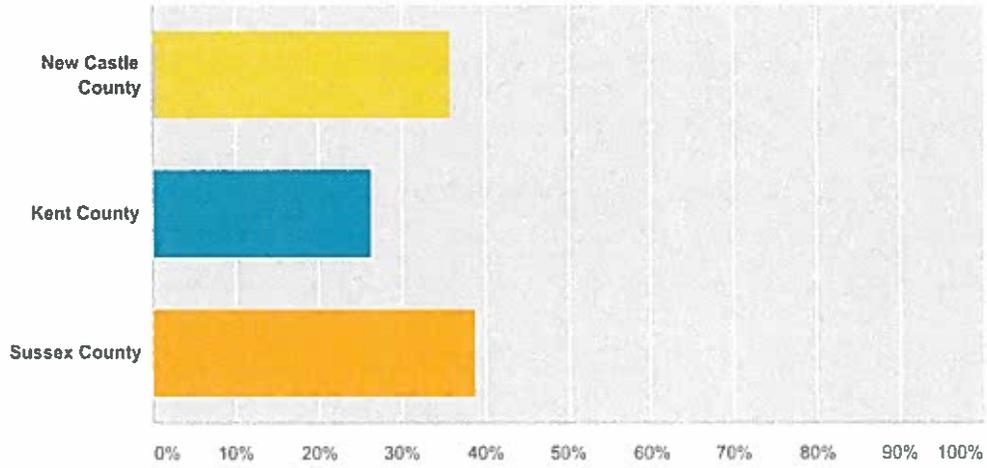


Answer Choices	Responses	Count
Justice of the Peace Court	60.19%	62
Family Court	9.71%	10
Court of Common Pleas	0.00%	0
Superior Court	24.27%	25
Court of Chancery	5.83%	6
Supreme Court	0.00%	0
Total Respondents: 103		

Self Represented Litigant Resources

Q2 In which county do you work?

Answered: 103 Skipped: 0

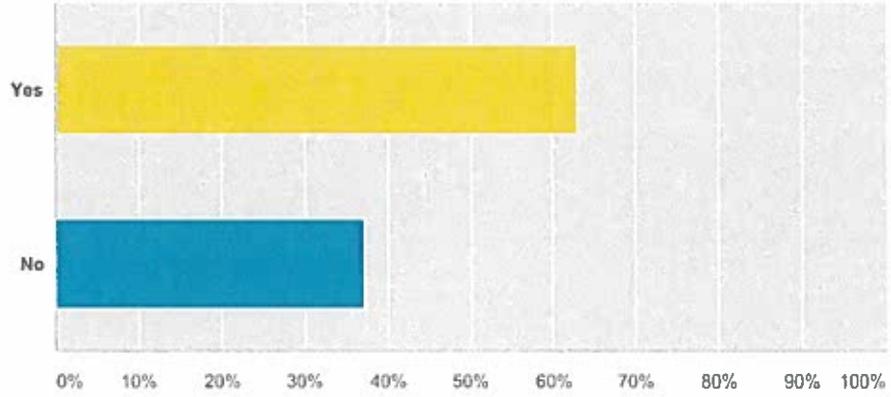


Answer Choices	Responses
New Castle County	35.92% 37
Kent County	26.21% 27
Sussex County	38.83% 40
Total Respondents: 103	

Self Represented Litigant Resources

Q3 Does your court provide materials to self-represented litigants?

Answered: 102 Skipped: 1

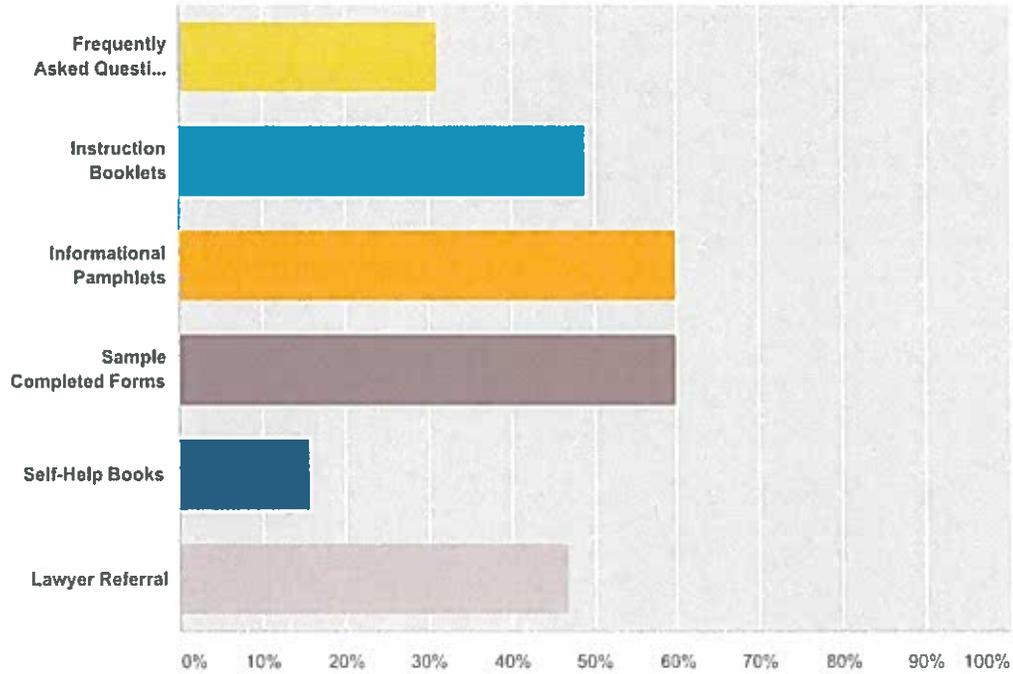


Answer Choices	Responses	
Yes	62.75%	64
No	37.25%	38
Total		102

Self Represented Litigant Resources

Q4 What types of materials does your court offer on site?

Answered: 45 Skipped: 58



Answer Choices	Responses
Frequently Asked Question Sheets	31.11% 14
Instruction Booklets	48.89% 22
Informational Pamphlets	60.00% 27
Sample Completed Forms	60.00% 27
Self-Help Books	15.56% 7
Lawyer Referral	46.67% 21
Total Respondents: 45	

Self Represented Litigant Resources

Q5 Are these materials helpful to self-represented litigants?

Answered: 53 Skipped: 50

#	RESPONSES	DATE
1	IF THEY READ THEM THEY ARE	2/9/2016 4:35 PM
2	yes	2/4/2016 3:25 PM
3	Yes however they are very lengthy	2/3/2016 1:56 PM
4	Yes	2/3/2016 12:04 PM
5	Yes	2/2/2016 12:23 PM
6	I think so	2/2/2016 9:54 AM
7	Somewhat helpful	2/1/2016 4:22 PM
8	yes - we no longer have a lawyer referral list	2/1/2016 4:00 PM
9	They use them so I would guess they are.	2/1/2016 10:33 AM
10	Yes they are helpful but more often than not the self-represented litigants do not use the materials and instead rely on staff to guide them thru the filing process.	2/1/2016 10:33 AM
11	Yes they help explain the process in our court.	2/1/2016 9:22 AM
12	Yes, most of our litigants who come in say that the materials were helpful.	1/29/2016 4:14 PM
13	Not all of the time.	1/29/2016 1:22 PM
14	Somewhat.	1/29/2016 12:35 PM
15	absolutely	1/29/2016 12:14 PM
16	YES	1/29/2016 11:48 AM
17	We think so but don't have a way to measure this	1/28/2016 5:22 PM
18	This information is very helpful to those individuals that take the time to read them.	1/28/2016 4:42 PM
19	YES	1/27/2016 4:46 PM
20	Yes	1/27/2016 3:41 PM
21	Yes as it provides them with the forms. However, many self-represented litigants continue to call or come in even after the packets are provided as they want legal advice or they choose not to read through all the instructions. They want us to fill out the forms and tell them what they should or should not note on the documents they are filing.	1/27/2016 12:30 PM
22	jkhn	1/27/2016 7:57 AM
23	They aren't familiar with the legal jargon on the forms or the process but having sample forms to use is helpful to them.	1/26/2016 2:51 PM
24	Yes	1/26/2016 1:28 PM
25	N/A	1/26/2016 12:03 PM
26	If they are able to read and understand the information.	1/26/2016 11:16 AM
27	Yes	1/26/2016 10:56 AM
28	yes	1/26/2016 9:14 AM
29	THEY ARE HELPFUL TO PRO SE LITIGANTS WHO ARE WILLING TO HELP THEMSELVES. THE MAJORITY OF PRO SE LITIGANTS WANT US TO HOLD THEIR HAND WHILE THEY FILL OUT THE PAPER WORK.	1/26/2016 9:13 AM
30	I have only given out a few, but they generally seem helpful.	1/26/2016 9:00 AM

Self Represented Litigant Resources

31	I don't believe so as there is limited instruction	1/26/2016 8:50 AM
32	YES	1/25/2016 4:14 PM
33	N/A	1/25/2016 3:47 PM
34	I think they are. It helps them have a basic understanding of the forms we use and how the court works.	1/25/2016 3:38 PM
35	Yes	1/25/2016 3:33 PM
36	yes	1/25/2016 2:18 PM
37	YES, ANY THING THAT THE LITIGANT CAN WALK AWAY WITH IS A PLUS.	1/25/2016 2:16 PM
38	Yes	1/25/2016 2:13 PM
39	Not sure, most requests from my court, which is a criminal court, is for civil information. So if we have it on hand, they take it and leave.	1/25/2016 2:00 PM
40	YES	1/25/2016 1:59 PM
41	Yes	1/25/2016 1:54 PM
42	Sometimes	1/25/2016 1:45 PM
43	yes	1/25/2016 1:44 PM
44	yes	1/25/2016 1:43 PM
45	yes	1/25/2016 1:34 PM
46	Yes, if they take the time to read it, normally they just want to get their paperwork filed, even if it's wrong.	1/25/2016 1:31 PM
47	I guess	1/25/2016 1:27 PM
48	Yes	1/25/2016 1:23 PM
49	Yes	1/21/2016 1:10 PM
50	Yes. But they are asked to view the DE Code and Chancery Court Rules and Chancery website	1/21/2016 1:09 PM
51	Helpful; however, many times the self-represented litigants want fill-in forms. It takes extensive time for the staff to explain the "how to" and many times our efforts are misconstrued. Often the public thinks the staff is being rude or difficult with them when we do not provide a "fill-in" type form. Chancery Court is a unique court with many rules, administrative directives, etc., which the inexperienced filers understandably find extremely difficult.	1/21/2016 1:01 PM
52	They appear to be - especially for pro se litigants seeking guardianship.	1/21/2016 12:12 PM
53	To the one's that they apply to, I would say yes; but our booklets and samples only apply to one area.	1/21/2016 12:00 PM

Self Represented Litigant Resources

Q6 Are there additional types of materials that would be helpful to self represented litigants?

Answered: 53 Skipped: 50

#	RESPONSES	DATE
1	COMPUTER TERMIAL WOULD BE HELPFUL	2/9/2016 4:35 PM
2	n/a	2/4/2016 3:25 PM
3	Yes, sample forms for forms that are not within the packets, for example dismissals and IFP's.	2/3/2016 1:56 PM
4	Not that I can think of at this time.	2/3/2016 12:04 PM
5	Not that I can think of	2/2/2016 12:23 PM
6	Computer access	2/2/2016 9:54 AM
7	More samples of different types of filing would be helpful. A step-action identifying what should go on specific pages might also be helpful	2/1/2016 4:22 PM
8	lawyer referral list	2/1/2016 4:00 PM
9	Not that I am aware of.	2/1/2016 10:33 AM
10	Yes, more user friendly forms and additional forms for filings that include a NOTICE and MOTION.	2/1/2016 10:33 AM
11	More sample forms	2/1/2016 9:22 AM
12	Yes, maybe an website instructor to explain how to fill out petition.	1/29/2016 4:14 PM
13	Access to West Law, Lexus Nexus, legal research website, etc. A more extensive law library and staff knowledgeable in how to direct pro se litigants on where they can find the information.	1/29/2016 1:22 PM
14	Legal Service Agency Contacts	1/29/2016 12:35 PM
15	we no longer have a lawyer referral book. it was thrown away when we were asked to do away with it. we could use one here.	1/29/2016 12:14 PM
16	IF WE HAD A COMPUTER SET UP FOR THE SELF REPRESENTED LITIGANTS TO GO ONLINE TO LOOK UP OTHER RESOURCES ON OUR COURT WEBSITE	1/29/2016 11:48 AM
17	Yes. There is a lot of material about different types of cases that could be helpful. Also, information on service providers would be helpful.	1/28/2016 5:22 PM
18	It may be help to have a visual or audio version of our information booklets for those individuals that may not be as literate as others.	1/28/2016 4:42 PM
19	FREQUENTLY ASKED QUESTION SHEET INSTRUCTION BOOKLETS INFORMATIONAL PAMPHLETS	1/27/2016 4:46 PM
20	No.	1/27/2016 3:41 PM
21	Maybe adding something to the instruction packet that explains exactly what "legal advice" is and that ONLY attorneys can provide this to them. Some feel we are unwilling to help them when in fact it is that we cannot offer legal advice.	1/27/2016 12:30 PM
22	pok	1/27/2016 7:57 AM
23	I don't understand why the judgment execution forms are not available on the website. They are helpful to attorneys and their staff as well.	1/26/2016 2:51 PM
24	Sample of completed forms would be helpful	1/26/2016 1:28 PM
25	N/A	1/26/2016 12:03 PM
26	Lobby access to our website to complete interactive forms and get additional information.	1/26/2016 11:16 AM
27	Could display on the MVN TV in the lobbies	1/26/2016 10:56 AM

Self Represented Litigant Resources

28	Not sure.	1/26/2016 9:14 AM
29	NO, WE DO TOO MUCH FOR THEM AS IT IS.	1/26/2016 9:13 AM
30	No	1/26/2016 9:00 AM
31	Informational Pamphlets, Instruction Booklets would be a great start and FAQ's	1/26/2016 8:50 AM
32	NOT THAT I KNOW OF	1/25/2016 4:14 PM
33	N/A	1/25/2016 3:47 PM
34	I don't know of anything else we can provide to the public that we already do.	1/25/2016 3:38 PM
35	N/A	1/25/2016 3:33 PM
36	a helpdesk area	1/25/2016 2:18 PM
37	MAYBE	1/25/2016 2:16 PM
38	No	1/25/2016 2:13 PM
39	Our information is not pamphlets and booklets, it's single sheets with brief information. Normally, that because any further info is given with the Judge at arraignment.	1/25/2016 2:00 PM
40	YES	1/25/2016 1:59 PM
41	Possibly copies of the Court Rules	1/25/2016 1:54 PM
42	It would be nice to have sample forms for all pleadings, instead of referring them to the law library or to an attorney.	1/25/2016 1:45 PM
43	yes	1/25/2016 1:44 PM
44	yes	1/25/2016 1:43 PM
45	no	1/25/2016 1:34 PM
46	public access to a computer in our Court	1/25/2016 1:31 PM
47	no	1/25/2016 1:27 PM
48	N/A	1/25/2016 1:23 PM
49	Unsure due to fine line of giving legal advice to self-represented litigants. Possibly list of resource phone numbers would be helpful, i.e. other courts.	1/21/2016 1:10 PM
50	Not sure because I am careful of what information I give to the public.	1/21/2016 1:09 PM
51	It would be most helpful to have a statewide pro se resource person/center.	1/21/2016 1:01 PM
52	It is possible. Guardianships offers many forms designed for pro se litigants. Our CA or civil cases can be quite complicated. We have some sample forms for the most used items.	1/21/2016 12:12 PM
53	We have so many different types of complaints and petitions that it would take forever to create sample forms for them all.	1/21/2016 12:00 PM

Self Represented Litigant Resources

Q7 Do you think it would be helpful to have materials available for self represented litigants on site? Please explain.

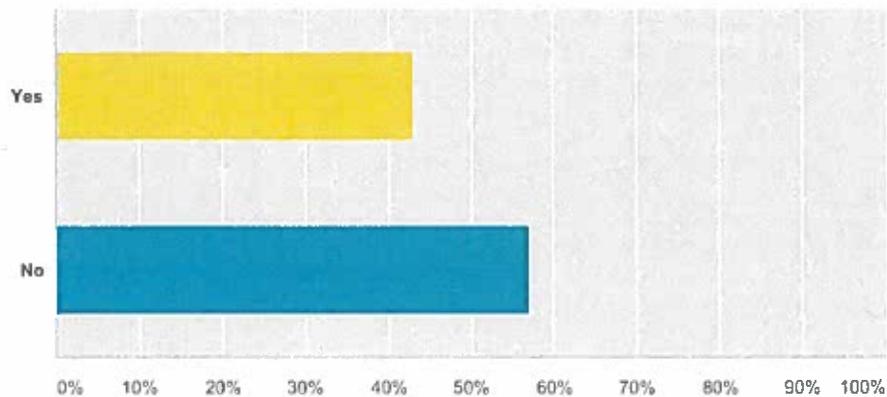
Answered 24 Skipped 79

#	RESPONSES	DATE
1	Yes, the more information that you are able to give the better. No, because staff may get bombarded with legal questions.	2/17/2016 12:07 PM
2	Yes....that will help litigants to know the resources available to them.	2/1/2016 10:46 AM
3	no, most of the people who come here want to get in and out and won't read any information.	1/28/2016 10:17 AM
4	Maybe	1/27/2016 1:01 PM
5	Yes	1/26/2016 8:25 PM
6	for a few litigants it may be of some use, but for the most part I do not think they would take the time to read the material	1/26/2016 4:41 PM
7	I think it would be helpful to provide materials so that they litigants were aware of their rights at trial and during the arraignment process.	1/26/2016 2:22 PM
8	Yes, not enough information about the court's processes is available for self represented litigants.	1/26/2016 11:28 AM
9	YES, WITH VERY SPECIFIC INSTRUCTIONS. THEY DO NOT KNOW HOW TO PROCEED AND EXPECT THE COURT STAFF TO TELL THEM HOW AND WHAT TO PUT DOWN ON THE FILING.	1/26/2016 10:29 AM
10	Yes we have to explain everything to the defendants.	1/26/2016 9:35 AM
11	Yes, people should have the basics on how to defend themselves in a criminal case	1/26/2016 9:29 AM
12	A large part of our litigants are pro se. This is because we deal mainly with traffic cases and a few selected misdemeanors.	1/26/2016 9:13 AM
13	yes	1/26/2016 9:00 AM
14	Yes, it would be helpful to have materials available for self represented litigants on site to better serve them	1/25/2016 11:39 PM
15	Yes, it would be helpful	1/25/2016 11:33 PM
16	A printed explanation of the pros and cons of transferring to CCP might be helpful, as well as an explanation of how mail-in payments, traffic court appearances, and PBJs affect your driving record.	1/25/2016 6:26 PM
17	possibly	1/25/2016 5:26 PM
18	Yes	1/25/2016 3:59 PM
19	It depends on the case	1/25/2016 3:52 PM
20	NO	1/25/2016 2:46 PM
21	We need to try to keep a neutral position. I am not sure if providing materials is the best answer.	1/25/2016 2:21 PM
22	perhaps.	1/25/2016 1:14 PM
23	Yes.	1/24/2016 1:15 PM
24	n/a	1/23/2016 3:26 AM

Self Represented Litigant Resources

Q8 Does your court provide services to self-represented litigants on site?

Answered: 86 Skipped: 17

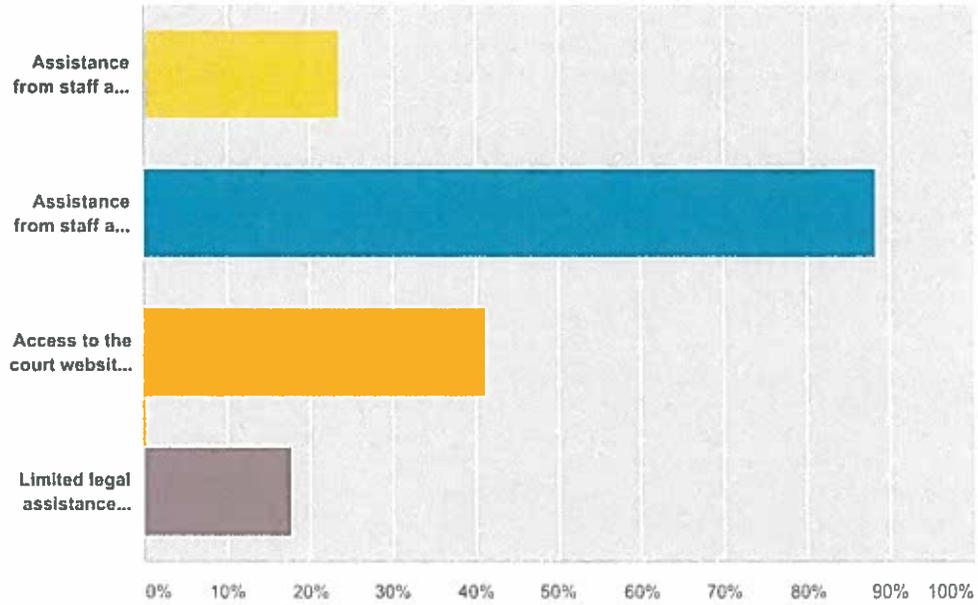


Answer Choices	Responses	
Yes	43.02%	37
No	56.98%	49
Total Respondents: 86		

Self Represented Litigant Resources

Q9 What types of services are available at your court on site?

Answered: 34 Skipped: 69



Answer Choices	Responses
Assistance from staff at a resource center/help center	23.53% 8
Assistance from staff at the front window	88.24% 30
Access to the court website via computer terminal	41.18% 14
Limited legal assistance program with volunteer attorneys	17.65% 6
Total Respondents: 34	

Self Represented Litigant Resources

Q10 Which of these services do you think are helpful to self-represented litigants?

Answered: 34 Skipped: 69

#	RESPONSES	DATE
1	Assistance from staff at the front window	2/4/2016 3:26 PM
2	Yes but limited	2/3/2016 1:57 PM
3	The booklets	2/3/2016 12:10 PM
4	The case manager who sits at the front counter is extremely Knowledgeable and helpful	2/2/2016 12:27 PM
5	Staff assistance	2/2/2016 9:55 AM
6	Assistance from front window	2/1/2016 4:48 PM
7	All of the above.	2/1/2016 10:44 AM
8	legal assistance	2/1/2016 10:34 AM
9	The limited legal assistance attorneys program	1/29/2016 4:17 PM
10	All of them.	1/29/2016 1:23 PM
11	All mentioned above would be helpful.	1/29/2016 1:02 PM
12	all of the above. would love to have a volunteer attorney to answer questions.....	1/29/2016 12:16 PM
13	ALL OF THE ABOVE IN #8 WOULD BE HELPFUL, SUPERIOR COURT IS NOT PERMITTED TO GIVE LEGAL ADVICE	1/27/2016 4:53 PM
14	I feel both are helpful. The computers allow them to do their own searches and see things for themselves. Staff at the front window help in providing them instruction packets, directing them to the proper courtroom, and providing them a status/upcoming court dates on their cases, etc.	1/27/2016 12:45 PM
15	A resource/help center and forms available on the website	1/26/2016 2:55 PM
16	All listed in #8 would be helpful.	1/26/2016 1:55 PM
17	Assistance from court staff.	1/26/2016 9:15 AM
18	Not sure	1/26/2016 9:00 AM
19	all	1/25/2016 2:26 PM
20	Front Window	1/25/2016 2:14 PM
21	Since the turnover rate in the criminal court is rather quick, not sure a terminal would be helpful. unless it is one that a payment can be processed on without the assistance of staff.	1/25/2016 2:04 PM
22	The front window provides pro se litigants with motion forms and instructions at the litigants request. This gives them an example of what needs to be included in their motions.	1/25/2016 1:57 PM
23	All the services are helpful, we are just limited in what we can help with without giving legal advice	1/25/2016 1:48 PM
24	Website	1/25/2016 1:45 PM
25	Personal service	1/25/2016 1:44 PM
26	The pamphlets explain everything if they would take the time to read them.	1/25/2016 1:33 PM
27	website and court personell	1/25/2016 1:28 PM
28	Assistance at window; interpreters	1/25/2016 1:24 PM
29	Assistance from staff at the front window	1/25/2016 6:38 AM
30	Petition (packets) for guardianship cases. Public Computer to view e-filed civil actions. Chancery Court website.	1/21/2016 1:15 PM

Self Represented Litigant Resources

31	The packets for filing with an overview on the front of the packet with a brief instruction from court staff.	1/21/2016 1:15 PM
32	Staff	1/21/2016 1:03 PM
33	Pro se customers have said they do go to our website and look at rules, forms, and instructions. They have downloaded forms and petitions for guardianships.	1/21/2016 12:19 PM
34	Again, this would pertain to only a certain section. I believe our front counter staff assist the majority of Pro Se litigants with petitions dealing with disabilities. Civil Actions are not as helpful.	1/21/2016 12:03 PM

Self Represented Litigant Resources

Q11 Are there additional services that might be helpful to self-represented litigants?

Answered 34 Skipped 69

#	RESPONSES	DATE
1	n/a	2/4/2016 3:26 PM
2	having volunteer attorneys on site	2/3/2016 1:57 PM
3	A copier in the lobby.	2/3/2016 12:10 PM
4	Many guardians have asked whether they can e-mail the Court with questions or completed forms. At this time, we do not have the staff available but it is something to consider for the future.	2/2/2016 12:27 PM
5	Computers	2/2/2016 9:55 AM
6	Not aware of any at this time	2/1/2016 4:48 PM
7	Possibly a brief tutorial/video explaining how to file, what they are responsible for, what their options are and where they can go for additional assistance.	2/1/2016 10:44 AM
8	not that I know of	2/1/2016 10:34 AM
9	samples of every form.	1/29/2016 4:17 PM
10	A law library and staff that can help physically fill out forms for illiterate pro se litigants.	1/29/2016 1:23 PM
11	No	1/29/2016 1:02 PM
12	see above	1/29/2016 12:16 PM
13	ALL OF THE ABOVE IN #8	1/27/2016 4:53 PM
14	Limited legal assistance program with volunteer attorneys	1/27/2016 12:45 PM
15	I like the pamphlet that JP Court offers to pro se litigations explaining the different types of cases. I also find that Family Court's website is helpful.	1/26/2016 2:55 PM
16	Additional staff	1/26/2016 1:55 PM
17	Not sure.	1/26/2016 9:15 AM
18	Not sure	1/26/2016 9:00 AM
19	help desk or resource center	1/25/2016 2:26 PM
20	No	1/25/2016 2:14 PM
21	Maybe a "help-line" for question, maybe a kiosk as mentioned above for payment.	1/25/2016 2:04 PM
22	A resource center/help center or legal assistance program would be very helpful.	1/25/2016 1:57 PM
23	It would be nice if we had a help center, similar to Family Court with copies of forms that need to be filed etc.	1/25/2016 1:48 PM
24	yes	1/25/2016 1:45 PM
25	more forms	1/25/2016 1:44 PM
26	Computers for public access while in the Courthouse.	1/25/2016 1:33 PM
27	no	1/25/2016 1:28 PM
28	N/A	1/25/2016 1:24 PM
29	Assistance from staff at a resource center/help center	1/25/2016 6:38 AM
30	No, unless the Court provides pro se center.	1/21/2016 1:15 PM
31	Unsure	1/21/2016 1:15 PM

Self Represented Litigant Resources

32	Pro se Resource Center	1/21/2016 1:03 PM
33	For CA or civil: more legal assistance programs in the communities for civil cases.	1/21/2016 12:19 PM
34	Is there any way of getting a resource list of pro bono or legal aide attorneys and what areas they specialize in? If none of those lawyers handle civil complaints, there isn't much more we can do.	1/21/2016 12:03 PM

Self Represented Litigant Resources

Q12 Do you think it would be helpful to provide services to self-represented litigants on site? Please explain.

Answered 42 Skipped 61

#	RESPONSES	DATE
1	Yes, if you have qualified staff to answer legal questions.	2/17/2016 12:21 PM
2	YES CLIENTS HAVE QUESTION THAT THE COURT CLERK CAN NOT ANSWER	2/9/2016 4:51 PM
3	Yes	2/1/2016 10:52 AM
4	yes	2/1/2016 9:25 AM
5	YES	1/29/2016 11:50 AM
6	yes. People are often confused. someone providing basic information would help	1/28/2016 5:23 PM
7	Yes. Sometimes litigants leave our office feeling completely overwhelmed.	1/28/2016 4:50 PM
8	no	1/28/2016 10:17 AM
9	No.	1/27/2016 3:42 PM
10	no	1/27/2016 1:02 PM
11	Yes	1/26/2016 8:25 PM
12	not sure	1/26/2016 4:43 PM
13	I think it would be helpful to provide some sort of service but it would be tricky to toe the line with legal advice	1/26/2016 2:24 PM
14	No	1/26/2016 11:29 AM
15	Yes, people are overwhelmed by the information they are given and too often do not take the time to read the information, or may not have the education needed to comprehend the information.	1/26/2016 11:21 AM
16	Yes, as we do get questions in this regard. We do have copies for the Defense Counsel.	1/26/2016 10:57 AM
17	NO. PRO-SE LITIGANTS ARE HELD TO THE SAME STANDARD AS AN ATTORNEY. THERE IS NO WAY THAT THE PRO-SE LITIGANT OR LAY PERSON IS GOING TO UNDERSTAND THE RULES. AND WHY SHOULD MY TAXES GO TO PAY FOR THEIR ATTORNEYS.	1/26/2016 10:32 AM
18	Yes, to avoid rescheduling and going through a hassle.	1/26/2016 9:37 AM
19	No, we have no space for it	1/26/2016 9:31 AM
20	YES, A DEDICATED PERSON TO HELP THEM WOULD BE EXTREMELY HELPFUL. WE ARE NOT STAFFED TO ASSIST PRO SE LITIGANTS LIKE THEY NEED TO BE HELPED.	1/26/2016 9:14 AM
21	n/a	1/26/2016 9:13 AM
22	Yes I do .. I believe to put the burden on the front line staff to explain procedures is a fine line.	1/26/2016 8:52 AM
23	unsure	1/26/2016 12:45 AM
24	Yes it would be helpful.	1/25/2016 11:36 PM
25	That would depend on the suggested services.	1/25/2016 6:33 PM
26	yes, they seem to have a lot of questions mostly about motor vehicle things, such as points and pbj	1/25/2016 5:28 PM
27	AN EMPLOYEE WHO COULD FURTHER EXPLAIN WHAT THE LITIGANT IS READING AS SOME INDIVIDUALS DO NOT UNDERSTAND WHAT THEY ARE READING.	1/25/2016 4:16 PM
28	No we do not have the room for these services	1/25/2016 3:53 PM
29	N/A	1/25/2016 3:48 PM

Self Represented Litigant Resources

30	Yes We try the best we can to help them but sometimes when you have a line of other people to wait on you don't always have the time to spend with everyone.	1/25/2016 3:41 PM
31	N/A	1/25/2016 3:34 PM
32	NO	1/25/2016 2:47 PM
33	No. They won't read it and it will end up in the trash.	1/25/2016 2:46 PM
34	what services? the court is impartial	1/25/2016 2:45 PM
35	No I do not. I think those services should be available at one central location for the county.	1/25/2016 2:23 PM
36	NO,	1/25/2016 2:18 PM
37	NO	1/25/2016 1:59 PM
38	there are some people that it might be helpful for them as some cannot read or write.	1/25/2016 1:36 PM
39	YES	1/25/2016 1:32 PM
40	yes	1/25/2016 1:24 PM
41	not sure	1/25/2016 1:15 PM
42	no	1/24/2016 10:12 PM

Self Represented Litigant Resources

Q13 What types of services do you think would be most helpful for self-represented litigants? Please explain.

Answered 42 Skipped 61

#	RESPONSES	DATE
1	Pamphlets with frequently asked questions.	2/17/2016 12:21 PM
2	COMPUTER TERMINAL SO THEY CAN RESEARCH AND FILL OUT FORMS TO FILE CASES	2/9/2016 4:51 PM
3	Provide them with information about agencies that provides services they might need	2/1/2016 10:52 AM
4	Someone/something to help understand our forms.	2/1/2016 9:25 AM
5	TO HAVE A REPRESENTATIVE FROM LEGAL AID HAVE AN OFFICE AT THE COURT.	1/29/2016 11:50 AM
6	Basic information on what they need to do for their case. Information on what court they belong in.	1/28/2016 5:23 PM
7	An informational computer that individuals could view videos or power point slides so that people have a visual and audio option to obtain information would be very helpful.	1/28/2016 4:50 PM
8	public defenders	1/28/2016 10:17 AM
9	No.	1/27/2016 3:42 PM
10	Not at this site. Maybe at the higher courts	1/27/2016 1:02 PM
11	N/A	1/26/2016 8:25 PM
12	not sure	1/26/2016 4:43 PM
13	access to the law library through a kiosk would be beneficial	1/26/2016 2:24 PM
14	Out to fill out court forms, how to request different event types and how to prosecute cases.	1/26/2016 11:29 AM
15	A court representative to interpret and assist in completing our forms and explaining our process in more detail than can be done at the window.	1/26/2016 11:21 AM
16	Maybe placing a phone number on the MVN TV for Lawyer referral	1/26/2016 10:57 AM
17	FORCE THEM TO GET LEGAL COUNSEL. THEY MAY FILE PRO-SE BUT TO PROCEED FORWARD THEY SHOULD HAVE LEGAL REPRESENTATION.	1/26/2016 10:32 AM
18	Legal pamphlets, information about DE state laws.	1/26/2016 9:37 AM
19	Q & A handouts	1/26/2016 9:31 AM
20	FILL IN THE BLANK FORMS AND SOMEONE TO HELP THEM FILL IN THE BLANKS.	1/26/2016 9:14 AM
21	n/a	1/26/2016 9:13 AM
22	Filing new cases and motions.	1/26/2016 8:52 AM
23	unsure	1/26/2016 12:45 AM
24	Papers explaining How many points you get at motor vehicle for different tickets.	1/25/2016 11:36 PM
25	I really don't know what would clarify things, rather than confusing the litigants.	1/25/2016 6:33 PM
26	motor vehicle, points and pbj	1/25/2016 5:28 PM
27	SEE ANSWER 8 ABOVE	1/25/2016 4:16 PM
28	I don't know	1/25/2016 3:53 PM
29	N/A	1/25/2016 3:48 PM
30	Because we are limited to what we can tell people we often tell them to call Legal Services or Community Legal Aide. Most people want to know what type of action to file and we are not allowed to tell them that.	1/25/2016 3:41 PM
31	N/A	1/25/2016 3:34 PM

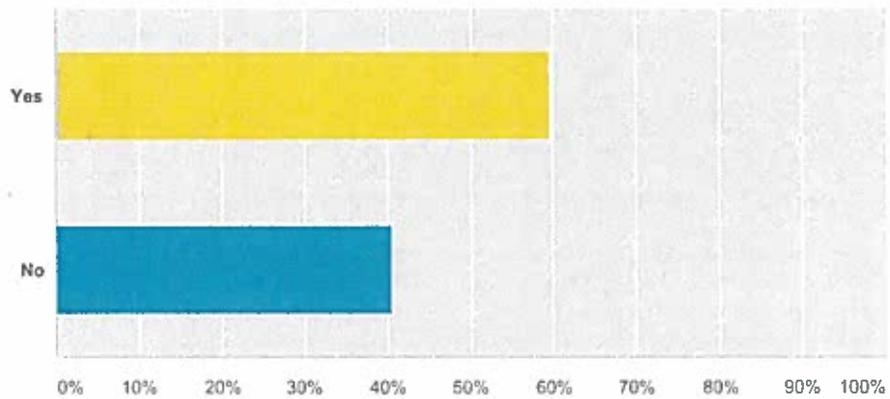
Self Represented Litigant Resources

32	NINE	1/25/2016 2:47 PM
33	None	1/25/2016 2:46 PM
34	what services?	1/25/2016 2:45 PM
35	How to prepare and file paperwork. Understanding the law	1/25/2016 2:23 PM
36	N/A	1/25/2016 2:18 PM
37	NO	1/25/2016 1:59 PM
38	sometimes it just helps people if you could read the paperwork for them.	1/25/2016 1:36 PM
39	Maybe a flyer of some sort to explain what to expect for arraignment and trials.	1/25/2016 1:32 PM
40	Material describing "what to expect" for an arraignment and for a trial.	1/25/2016 1:24 PM
41	not sure	1/25/2016 1:15 PM
42	none	1/24/2016 10:12 PM

Self Represented Litigant Resources

Q14 Have you received training about how to provide assistance to self-represented litigants?

Answered: 74 Skipped: 29



Answer Choices	Responses	
Yes	59.46%	44
No	40.54%	30
Total Respondents: 74		

Self Represented Litigant Resources

Q15 Did you find the training helpful? Please explain.

Answered 45 Skipped 58

#	RESPONSES	DATE
1	yes	2/4/2016 3:26 PM
2	Yes, knowing that all questions are not legal advice allows us to be more helpful to the litigants	2/3/2016 1:59 PM
3	Yes, because it explained how to deal with customers as to if they are upset or you may need to give a breakdown of some information.	2/3/2016 12:15 PM
4	I mostly received on the job training but it was helpful	2/2/2016 12:29 PM
5	Yes. It was a while ago and with the changes in efilng coming, we may want to revamp it.	2/2/2016 9:56 AM
6	Would have appreciated more formalized training vs. only learning by what a pro se would file while training for the front counter	2/1/2016 5:02 PM
7	I received training in the department regarding this. I also received information at the orientation session I attended. We also keep brochures from Legal Help Link and Apex out in the lobby area that we refer self represented litigants to. All of this was/is helpful.	2/1/2016 10:53 AM
8	yes, it helped provide their perspective	2/1/2016 10:34 AM
9	Yes	2/1/2016 9:25 AM
10	Yes, I like the list of do's and don't.	1/29/2016 4:19 PM
11	I did not receive official training. It is trial by fire. Besides a brief seminar (I cannot remember the last time one was held), there is no "official" helpful training. If you do not have a legal background the line between helping and giving legal advice is quite blurry.	1/29/2016 1:28 PM
12	Yes	1/29/2016 1:06 PM
13	trained by our supervisor	1/29/2016 12:21 PM
14	YES	1/29/2016 11:50 AM
15	Yes. The class for Legal Information vs Legal Advice was very helpful.	1/28/2016 4:55 PM
16	ACTUALLY WE WERE TRAINED IN WHAT COURT STAFF CANNOT DO FOR THE PUBLIC	1/27/2016 4:54 PM
17	Yes. Legal Advice v. Legal Information.	1/27/2016 3:42 PM
18	Yes. The class explained what legal advice is and how to handle difficult individuals.	1/27/2016 12:45 PM
19	Yes and no. It was generic in nature and not court specific. I would like more training that is more related to Superior Court processes and forms.	1/26/2016 2:58 PM
20	Good information was presented, and helpful to me and anyone else willing to utilize the skills encouraged to use when offering customer service.	1/26/2016 11:24 AM
21	YES AND NO. PRO-SE ARE LAY PEOPLE AND THEY JUST DON'T UNDERSTAND THAT WE ARE JUST EMPLOYEES AND CAN NOT GIVE LEGAL ADVICE. WHEN YOU TELL THEM YOU CAN NOT TELL THEM WHAT TO PUT DOWN THEY DON'T BELIEVE YOU WHEN YOU SAY THAT IS LEGAL ADVICE. WE ARE TREATED HARSH AND WITH HOSTILITY.	1/26/2016 10:36 AM
22	Yes	1/26/2016 9:01 AM
23	The class was a lunch timer learner. I believe that it could of been longer.	1/26/2016 8:54 AM
24	not needed	1/26/2016 12:45 AM
25	yes	1/25/2016 11:37 PM
26	Other than "don't provide legal advice", we haven't been given any real guidance in how to help self-represented litigants.	1/25/2016 6:36 PM
27	YES THE TRAINING WAS HELPFUL. TO PROVIDE THE INFORMATION REQUIRED FOR THEM TO FILE IN OUR COURT.	1/25/2016 4:21 PM

Self Represented Litigant Resources

28	N/A	1/25/2016 3:35 PM
29	yes	1/25/2016 2:29 PM
30	ANY TRAINING ON ANY SUBJECT IS HELPFUL.	1/25/2016 2:19 PM
31	Yes.	1/25/2016 2:14 PM
32	Have had mtg. on what info is allowable and what might be considered legal info.	1/25/2016 2:04 PM
33	YES	1/25/2016 2:00 PM
34	The training explains that we can give them forms but no legal advice.	1/25/2016 1:59 PM
35	We are offered classes periodically to help with dealing with the public	1/25/2016 1:53 PM
36	yes	1/25/2016 1:46 PM
37	yes	1/25/2016 1:37 PM
38	Yes. Knowing where to draw the line making sure you are helpful but do not give legal advice.	1/25/2016 1:34 PM
39	yes	1/25/2016 1:28 PM
40	Yes. I received training at Family Court. Given classes in what I could/could not provide to defendants and others; how to deal with difficult people, situational awareness.	1/25/2016 1:25 PM
41	Yes, helpful in the process of assisting litigants that are distraught or feeling overwhelmed or even angry. Helpful training with assistance vs. legal advice.	1/21/2016 1:17 PM
42	yes- What information you can give of not being legal advice.	1/21/2016 1:16 PM
43	Yes. Communication tools were provided; training discussions were extremely helpful in dealing with pro se litigants who are already in crisis mode.	1/21/2016 1:07 PM
44	Yes. It reminds me to speak to the customers using terms they can understand and not using acronyms or legal terminology.	1/21/2016 12:21 PM
45	It was helpful in clarifying what is considered as helping vs. what is considered as giving legal advice.	1/21/2016 12:04 PM

Self Represented Litigant Resources

Q16 Are there additional training topics that would be helpful to you for working with self-represented litigants?

Answered: 36 Skipped: 67

#	RESPONSES	DATE
1	I can not think of any at this time.	2/3/2016 12:15 PM
2	How to handle them in the courtroom	2/2/2016 9:56 AM
3	Any training offered to assist in knowledge transfer to the self represented liltigants would be appresicated.	2/1/2016 5:02 PM
4	None that I can think of.	2/1/2016 10:53 AM
5	no	2/1/2016 9:25 AM
6	Child support laws and regulations, specific differences in filings (stand-by guardianship, guardianship, permanent guardianship v. adoption, etc.) A working view of how things actually get handled in the court (from start to finish for judicial staff not privy to the processing of the case filed).	1/29/2016 1:28 PM
7	No	1/29/2016 1:06 PM
8	child support training.... things have changed and DCSE sends all of their clients here.	1/29/2016 12:21 PM
9	NO	1/29/2016 11:50 AM
10	I think that more training is need to try and assist individuals that may be illiterate.	1/28/2016 4:55 PM
11	NO	1/27/2016 4:54 PM
12	No.	1/27/2016 3:42 PM
13	Unsure at this time.	1/27/2016 12:45 PM
14	I think the processes should be the same for each county.	1/26/2016 2:58 PM
15	More information clarifying legal advice and interpreting our information.	1/26/2016 11:24 AM
16	PERSONALLY I DO NOT BELIEVE YOU SHOULD BE ABLE TO FILE PRO SE IN SUPERIOR COURT.	1/26/2016 10:36 AM
17	Not sure	1/26/2016 9:01 AM
18	How to end the help. At certain points individuals are not happy with the information you have provided and many times we have to call Capital Police for assistances	1/26/2016 8:54 AM
19	no	1/26/2016 12:45 AM
20	no	1/25/2016 11:37 PM
21	Yes.	1/25/2016 6:36 PM
22	NOT THAT I AM AWARE OF. THE PROBLEM IS LITIGANTS DO NOT FULLY READ OR EVEN WANT TO READ THE INFORMATRION ALREADY PROVIDED AS THEY DO NOT UNDERSTAND SOME OF THE LANGUAGE.	1/25/2016 4:21 PM
23	N/A	1/25/2016 3:35 PM
24	THERE MAY BE.	1/25/2016 2:19 PM
25	NO	1/25/2016 2:00 PM
26	No, unless we are able to provide more than just the forms with instructions.	1/25/2016 1:59 PM

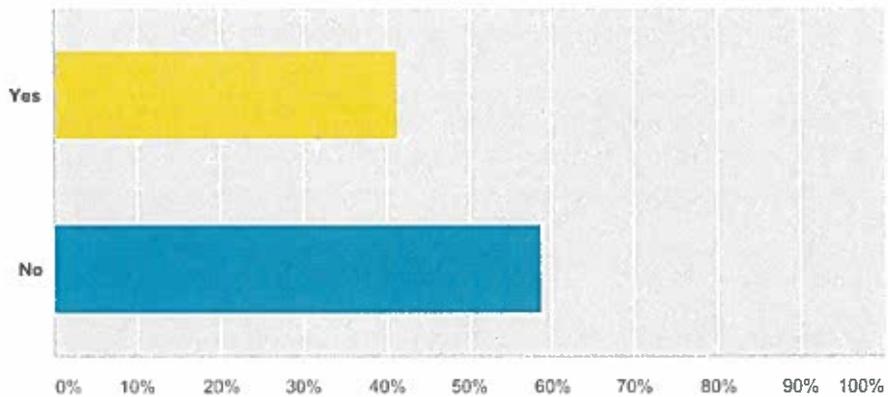
Self Represented Litigant Resources

27	I think there should be a class on how to direct the public when we are unable to help, such as what other resources are out there to send them to, I have had the same three numbers for the past 15 years and most of the time they come back saying they couldn't help. I think it would be helpful for every Court to know what the other Courts do. Numerous times a day we get calls saying I've called every Court hopefully you can help because the previous Court didn't know where to direct me.	1/25/2016 1:53 PM
28	yes	1/25/2016 1:46 PM
29	I think the only thing would be to better understand the landlord/tenant code.	1/25/2016 1:37 PM
30	Our "How to File a Claim" booklet needs to be revised so that the general public can understand it better.	1/25/2016 1:34 PM
31	no	1/25/2016 1:28 PM
32	N/A	1/25/2016 1:25 PM
33	Unsure	1/21/2016 1:17 PM
34	n/a	1/21/2016 1:16 PM
35	None at this time	1/21/2016 1:07 PM
36	I am open to new training class options. I believe that a few new topics are being offered by AOC/OMB currently. I cannot think of another one at this time	1/21/2016 12:21 PM

Self Represented Litigant Resources

Q17 Would you be interested in receiving training related to helping self-represented litigants?

Answered: 29 Skipped: 74

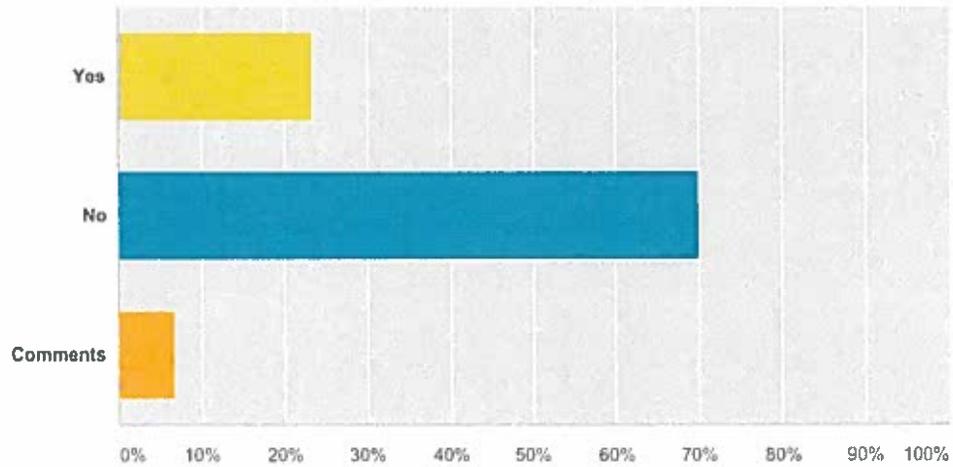


Answer Choices	Responses
Yes	41.38% 12
No	58.62% 17
Total Respondents: 29	

Self Represented Litigant Resources

Q18 Would you be interested in receiving training related to helping self represented litigants in other courts?

Answered: 30 Skipped: 73

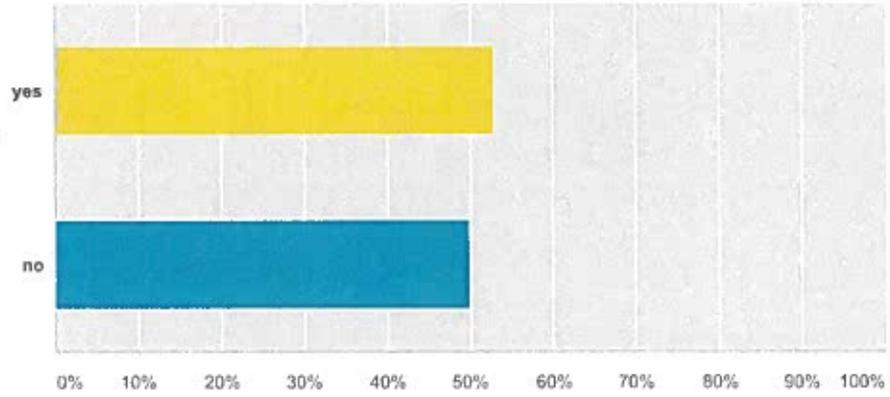


Answer Choices	Responses
Yes	23.33% 7
No	70.00% 21
Comments	6.67% 2
Total	30

Self Represented Litigant Resources

Q19 Do you believe you have enough staff to address the needs of self-represented litigants in your court?

Answered: 72 Skipped: 31

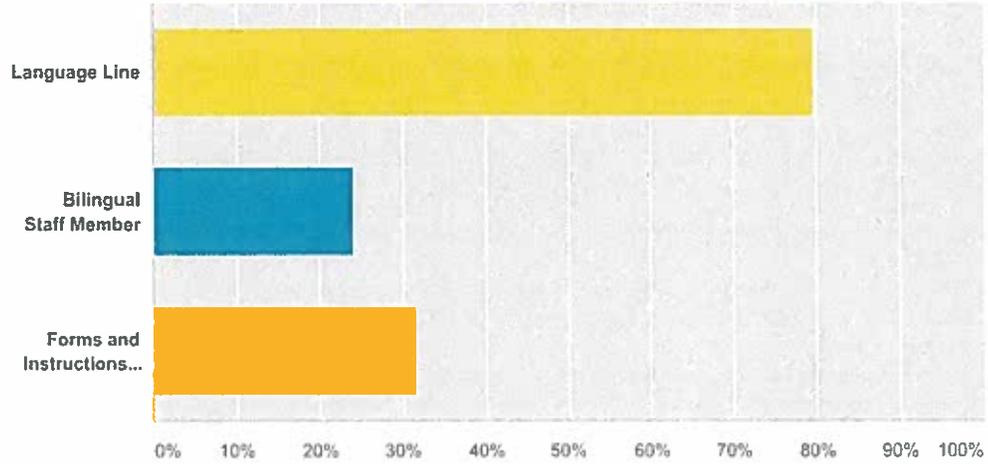


Answer Choices	Responses	
yes	52.78%	38
no	50.00%	36
Total Respondents: 72		

Self Represented Litigant Resources

Q20 How does your court handle language access issues in public areas?

Answered: 54 Skipped: 49



Answer Choices	Responses
Language Line	79.63% 43
Bilingual Staff Member	24.07% 13
Forms and Instructions have been translated	31.48% 17
Total Respondents: 54	

Self Represented Litigant Resources

Q21 In which types of cases in your court do self-represented litigants need the most assistance?

Answered: 61 Skipped: 42

#	RESPONSES	DATE
1	Appeals	2/17/2016 12:42 PM
2	LANDLORD/TENANT	2/9/2016 4:55 PM
3	DUI cases	2/4/2016 3:27 PM
4	Guardianship, Adoption and Termination of Parental rights	2/3/2016 1:59 PM
5	Landlord/tenant cases	2/3/2016 12:28 PM
6	Filing the initial guardianship petition or filing the pro se compliant in a civil action (so the most assistance is required with beginning their case)	2/2/2016 12:35 PM
7	Dependency /neglect- child welfare and custody	2/2/2016 9:58 AM
8	Motions and expungements	2/1/2016 5:05 PM
9	Filing complaints, petitions, answers and motions.	2/1/2016 11:06 AM
10	Guardianships, Custody and Child Support. Even though the Court sends paperwork to litigants explaining their right to an attorney 9 times out of 10 the litigants do not fill out the paperwork.	1/29/2016 4:29 PM
11	All.	1/29/2016 4:22 PM
12	Child Support / PFA's	1/29/2016 1:09 PM
13	Adoption, TPR and guardianship.	1/29/2016 12:22 PM
14	LANDLORD TENANT CASES	1/29/2016 11:53 AM
15	Civil - landlord tenant	1/28/2016 5:25 PM
16	Landlord Tenant	1/28/2016 5:00 PM
17	PREPARING MOTIONS EXECUTION	1/27/2016 4:55 PM
18	traffic	1/27/2016 1:04 PM
19	All	1/27/2016 12:45 PM
20	Civil	1/26/2016 8:26 PM
21	judgments and mechanic's liens	1/26/2016 3:00 PM
22	Financial	1/26/2016 2:02 PM
23	Civil and criminal trials	1/26/2016 11:31 AM
24	ALL	1/26/2016 11:28 AM
25	Non-English speaking litigants	1/26/2016 11:00 AM
26	CIVIL - PERSONAL INJURY	1/26/2016 10:40 AM
27	Traffic	1/26/2016 9:32 AM
28	Criminal motions.	1/26/2016 9:19 AM
29	CIVIL MATTERS	1/26/2016 9:16 AM
30	n/a	1/26/2016 9:14 AM
31	Filling out forms	1/26/2016 9:02 AM
32	I believe it is equally divided between Civil and Criminal	1/26/2016 8:58 AM

Self Represented Litigant Resources

33	n/a	1/26/2016 12:46 AM
34	landlord tenant issues	1/25/2016 11:38 PM
35	we don't have a lot of questions regarding this	1/25/2016 5:29 PM
36	LANDLORD/TENANT CASES	1/25/2016 4:30 PM
37	knowing the law	1/25/2016 3:55 PM
38	All types. What type of case to file, how to fill out the forms, how does the court work, etc.	1/25/2016 3:47 PM
39	Civil	1/25/2016 3:36 PM
40	don't know	1/25/2016 2:52 PM
41	DON'T KNOW	1/25/2016 2:50 PM
42	traffic	1/25/2016 2:50 PM
43	ON HOW TO COMPLETE THE FORM 1 CORRECTLY.	1/25/2016 2:22 PM
44	could be any type.	1/25/2016 2:11 PM
45	Civil cases - filing complaints and answers.	1/25/2016 2:11 PM
46	Both criminal and civil so I cannot select one more than the other.	1/25/2016 2:01 PM
47	N/A	1/25/2016 2:00 PM
48	Usually any type of civil litigation	1/25/2016 1:48 PM
49	landlord/tenant actions mainly	1/25/2016 1:39 PM
50	TRIALS	1/25/2016 1:37 PM
51	Landlord tenant	1/25/2016 1:35 PM
52	vac tickets that they can't pay	1/25/2016 1:30 PM
53	Language interpretation.	1/25/2016 1:26 PM
54	Traffic as most criminal cases are transferred, but we still do hear a few criminal cases.	1/25/2016 1:20 PM
55	Criminal	1/25/2016 6:39 AM
56	not sure	1/24/2016 10:13 PM
57	Equal for Civil Actions and Civil Miscellaneous	1/21/2016 1:43 PM
58	Guardianships and Civil Action cases.	1/21/2016 1:28 PM
59	Civil actions, and only because we feel it has to do with the fact that there are fill-in forms available for the civil miscellaneous pro se litigants. There are no fill-in forms available for the civil action pro se litigants.	1/21/2016 1:20 PM
60	family law, guardianship, estate, property/real estate	1/21/2016 12:33 PM
61	Civil Misc. and Civil Action cases.	1/21/2016 12:25 PM

Self Represented Litigant Resources

Q22 What services or materials do you think would be most helpful to self-represented litigants in your court?

Answered: 56 Skipped: 47

#	RESPONSES	DATE
1	ATTORNEY TO ANSWER THEIR QUESTION	2/9/2016 4:55 PM
2	Having on site volunteer attorneys or paralegals	2/3/2016 1:59 PM
3	More information as to what is considered a landlord/tenant case when it comes to friend or family members in the home and where they can find more information as to what to do about getting them out of the property.	2/3/2016 12:28 PM
4	I think the guardianship section of the Court has done a good job of making materials available in our office and on our website. We are constantly striving to do better and updating our forms as we receive feedback from pro se litigants.	2/2/2016 12:35 PM
5	access to other agencies	2/2/2016 9:58 AM
6	Examples of more of the forms used when filing civil cases.	2/1/2016 5:05 PM
7	It would be helpful to provide forms for motions.	2/1/2016 11:06 AM
8	Law Books, legal dictionaries, access to case law research engines.	1/29/2016 4:29 PM
9	materials to be in other languages. (Like in Spanish)	1/29/2016 4:22 PM
10	See previous answer same circumstance.	1/29/2016 1:09 PM
11	New instructions for above. Make sure there are samples in front of each instruction packet.	1/29/2016 12:22 PM
12	A LEGAL REPRESENTATIVE TO ANSWER LEGAL QUESTION'S AND GIVE LEGAL ADVICE.	1/29/2016 11:53 AM
13	Step by step instructions on what to file. Information on where to get help.	1/28/2016 5:25 PM
14	I believe more options are need. visual, audio and written.	1/28/2016 5:00 PM
15	THE ACTUAL FORMS	1/27/2016 4:55 PM
16	paperwork	1/27/2016 1:04 PM
17	Limited legal assistance program with volunteer attorneys	1/27/2016 12:45 PM
18	access to forms on the internet and a descriptive pamphlet for each type of civil case or proceeding	1/26/2016 3:00 PM
19	Sample forms	1/26/2016 2:02 PM
20	How to instructions	1/26/2016 11:31 AM
21	Use the teleprompters to display information and instructions for various process and procedure.	1/26/2016 11:28 AM
22	Information sheets written in the most non-English speaking litigants such as Spanish and Creole	1/26/2016 11:00 AM
23	NO IDEA, THEY ARE CLUELESS INDIVIDUALS.	1/26/2016 10:40 AM
24	Q & A handout	1/26/2016 9:32 AM
25	We provide information packets in our front lobby.	1/26/2016 9:19 AM
26	AN ATTORNEY TO HELP THEM	1/26/2016 9:16 AM
27	n/a	1/26/2016 9:14 AM
28	Sample forms on display.	1/26/2016 9:02 AM
29	Volunteer Attorney services, Ombudsmen, and helpful forms and instructional booklets	1/26/2016 8:58 AM
30	n/a	1/26/2016 12:46 AM
31	booklets handed out	1/25/2016 11:38 PM

Self Represented Litigant Resources

32	DEFINATIONS OF THE LEGAL TERMS USED. I.E. "WHO IS A LANDLORD" -- A PERSON WHO RECEIVES MONEY FOR RENT. IF THEY LIVE WITH YOU BUT HAVE NEVER PAID RENT THEIR CASE IS NOT A LANDLORD/TENANT ACTION.	1/25/2016 4:30 PM
33	books	1/25/2016 3:55 PM
34	We do have booklets on line that we use to give the public. If think they may need to be updated though.	1/25/2016 3:47 PM
35	N/A	1/25/2016 3:36 PM
36	not sure	1/25/2016 2:52 PM
37	INFO PACKAGE	1/25/2016 2:50 PM
38	DMV Drivers manual	1/25/2016 2:50 PM
39	how to file forms	1/25/2016 2:35 PM
40	HAND OUTS ON HOW TO FILE A COMPLAINT AND HOW TO GET THE MONEY BACK THAT IS OWED TO THEM.	1/25/2016 2:22 PM
41	I think litigants are concerned with knowing our processes before they get here, but can't find info, so we are asked to explain once they arrive, which can be at our busiest times.	1/25/2016 2:11 PM
42	A packet that explains the types of cases and sample forms to go by or having more front desk help or help center to help the litigants to direct them where they need to go.	1/25/2016 2:11 PM
43	Copies of Court Rules, Instructions, Forms, examples, etc.	1/25/2016 2:01 PM
44	N/A	1/25/2016 2:00 PM
45	help with filing out form, which forms they will need, making sure they understand what's involved, the fees involved and so forth	1/25/2016 1:48 PM
46	all paperwork should be in Spanish, German etc.... that would take a lot of time and money though	1/25/2016 1:39 PM
47	Flyer explaining what is involved or needed for Arraignment and/or Trials.	1/25/2016 1:37 PM
48	Computer for public access	1/25/2016 1:35 PM
49	24 hour language interpretation	1/25/2016 1:26 PM
50	Handouts. Give out anytime defendant wishes to enter not guilty plea so they may read and be ready to best represent themselves at a later date.	1/25/2016 1:20 PM
51	to transfer to another court	1/24/2016 10:13 PM
52	Unsure	1/21/2016 1:43 PM
53	pro se center	1/21/2016 1:28 PM
54	As far as services, resource center and implementation of fill-in forms for civil action pro se litigants.	1/21/2016 1:20 PM
55	I don't know. We have a great deal of materials available for guardianship. In our civil/ca side we have pro se packets and samples we hand out. In CA there are a multitude of possible case types and statutes and court rules that a person may need to navigate based on their case. That challenge is providing materials that are general enough to assist on basic, repeat matters, but that are also informative enough to help the pro se litigant, who may not be literate.	1/21/2016 12:33 PM
56	I think training, or a little class of some sorts, should be given to newly appointed Guardians on what is expected from them as a fiduciary and what they can and can not do with the disabled persons assets.	1/21/2016 12:25 PM

*Locating Delaware Pro Se
Centers in Law Libraries*

By: Subcommittee on Judicial Branch
Coordination in Helping Pro Se Litigants,
Delaware Access to Justice Commission

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INTRODUCTION

In part, the Subcommittee on Judicial Branch Coordination in Helping Pro Se Litigants (the “Subcommittee”) has been tasked “[t]o consider conversion of currently underutilized law libraries into pro se assistance centers that are not court specific.”¹ Based on its research to date, the Subcommittee concludes that Delaware’s pro se centers (“Pro Se Centers”) should be housed in Delaware’s law libraries in each of the three counties.

As more fully discussed below, like an attorney representing a client, a pro se litigant needs to be able to: 1) draft the appropriate pleadings, written discovery, motions, briefs, and other documents required by the relevant court; 2) research the law governing the dispute; and 3) research the relevant procedures and practices governing the relevant court. Accordingly, at a minimum, the Pro Se Centers need to include the paper and electronic resource materials necessary to accomplish these three goals. Delaware’s law libraries, which are underutilized, offer the physical space and some of the resources necessary to accomplish these three goals.

Additionally, pro se litigants likely need some administrative guidance in completing the relevant forms and pleadings. The law librarians are uniquely suited to provide the initial legal “triage” and reference services for the courts’ pro

¹ *Delaware Access to Justice Commission Proposed Action Plan* at 3.

se clientele because they already field questions from patrons regarding every court in the State of Delaware. They have always provided pro se services in some capacity, and the librarians view the addition of a Pro Se Center within the library as a natural evolution of that process.²

With that said, additional Pro Se Center staff (the “Staff”) beyond the law librarians will be necessary for the operation of successful Pro Se Centers. The Subcommittee believes that staff from the courts could rotate through the Pro Se Centers.

Additionally, a single administrator, chief law librarian or attorney should have authority over all three Pro Se Centers. The Subcommittee believes this person should be selected as soon as possible to begin the process of planning of the Pro Se Centers. At this early stage, the Court should consider utilizing its process improvement partnership with the University of Delaware Alfred Lerner College of Business and Economics, working in conjunction with the new head of the Pro Se Centers and the law librarians, to create processes to make the Pro Se Centers effective and efficient from their inception.

² The Subcommittee would like to thank the law librarians in each of the three counties for their invaluable assistance with this report. They have not only met with the Subcommittee members for tours of their respective facilities, but also participated in numerous meetings, traveled out-of-state for tours of pro se help centers in other jurisdictions, and assisted with the drafting of this report. They are clearly committed to the mission of using the law libraries to help the many pro se litigants in our communities.

Although the law libraries have the space and some of the resources necessary for Pro Se Centers, some investment is likely needed, the level of which depends on the services to be offered. It is likely additional computers will be necessary, as well as the expansion of certain vendor contracts, such as the libraries' contract with Westlaw. Additionally, some changes to physical layout and security should be made. To the extent the Pro Se Centers eventually offer pro se litigants the ability to electronically file, the law librarians and Staff would have to be trained on filing. Even without electronic filing, staffing from other courts (whether in-person or virtually via videoconference) would aid pro se litigants in appropriately preparing form pleadings and other filings.

Unlike an attorney representing a client, the pro se litigant does not have the foundational legal education and subject matter expertise that an attorney can bring to a case. Therefore, ideally, a pro se litigant would be able to obtain limited legal representation in one of the Pro Se Centers so as to have the benefit of an attorney's guidance to better understand the issues involved in the matter. In addition to offering the computers, access to electronic research, and access to print research (including pro se specific research materials), the law libraries have sufficient space for a lawyer-in-the-library program if some space is made available by eliminating the least used reporters and treatises. The Subcommittee continues to consider whether certain changes should be made to the Delaware

Lawyers' Rules of Professional Conduct given the differences between pro bono limited legal representation from a more traditional engagement.

In this report, the Subcommittee first provides a summary of its conclusions and recommendations. It then provides its detailed analysis, which relies heavily on "best practices" guides developed by organizations focused on the needs of self-represented litigants.

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

This report, including the following conclusion and recommendations, has been approved by the voting members of the Subcommittee.

A. Main Conclusion

Delaware's Pro Se Centers should be located in Delaware's law libraries in each of the three counties because they already have the infrastructure for many of the services that the Pro Se Centers must offer. Furthermore, they have the physical space to offer the optional, but preferred, services that Pro Se Centers may offer depending on the level of investment, in both funding and time, available. Although some investments will be necessary in the law libraries for conversion to Pro Se Centers, those investments would be necessary in any location, and the existing resources in the law libraries reduce the amount of investment that would be necessary in other locations.

B. Recommendations: Required Services and Resources

Based on its research, the Subcommittee makes the following

recommendations as to the minimal level of services and resources the Pro Se Centers should provide:

1. Pro Se Centers should offer computers to access court forms.
2. Pro Se Centers should offer paper access to court forms.
3. Pro Se Centers should offer some guidance from Staff on how to complete the court-sanctioned forms.
4. Pro Se Centers should offer research materials addressing the applicable law, court rules, and court procedures, in English and Spanish when possible.
5. Pro Se Centers must have sufficient Staff to service the pro se litigants.

C. Recommendations: Optional, but Preferred, Services

Based on its research, the Subcommittee makes the following recommendations as to additional services that the Pro Se Centers should provide if sufficient resources (including funding, Staff time, and volunteer time) may be allocated to the Pro Se Centers:

1. Pro Se Centers should offer interpreter services.
2. Pro Se Centers should host limited-legal representation programs.
3. Pro Se Centers should provide and advise on e-filing.

4. Pro Se Centers should provide information from community and social services.
5. Pro Se Centers should offer training seminars for pro se specific topics.
6. Pro Se Centers should offer the ability to perform criminal background searches of convictions.

D. Recommendations: Necessary Investments in Law Libraries for Required Services

Fortunately, Delaware's law libraries in each of the three counties already possess much of what is needed for what the Subcommittee believes is necessary for the minimal level of required services listed above. The law libraries already have some computers necessary to access court forms, draft pleadings and other filings, and conduct electronic legal research. Furthermore, the law libraries have a significant amount of hard copy research material, including some volumes geared toward pro se litigants. Finally, the law libraries are currently staffed by law librarians who already provide some pro se services.

With that said, although there is a good foundation, some investment will be necessary to build the law libraries into Pro Se Centers. To that end, based on its research, the Subcommittee makes the following recommendations for additional investment:

1. A single person should be designated as the head of the Pro Se Centers. This person could be an administrator, chief law librarian, or attorney. The law librarian in a particular county would be in charge of the Pro Se Center within that county, and all of the law librarians would report to the head of the Pro Se Centers. The head of the Pro Se Centers will need to digest the literature available on self-help centers, much of which is the foundation of this report, and begin planning of Delaware's Pro Se Centers. Accordingly, the Subcommittee believes that this individual should be selected as soon as possible.³
2. The Court should consider utilizing the Court's process improvement partnership with the University of Delaware Alfred Lerner College of Business and Economic so as to make the Pro Se Centers effective and efficient from their inception.

³ A legislative change might 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. 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.”)

3. Staffing must be expanded beyond the current staffing levels of the law libraries. Pro Se Centers potentially could be staffed from various courts either in person or virtually in an effort to fill this need.
4. Work stations should be added for the additional Staff.
5. Written protocols must be drafted governing the triaging of pro se litigants and the conduct of Staff in Pro Se Centers. Process planning in the Pro Se Centers is essential so that pro se litigants have their needs met in an efficient manner.
6. Signage directing pro se litigants to the Pro Se Centers and signage within the Pro Se Centers directing pro se litigants to relevant locations (helpdesk, pro se dedicated computers, pro se forms, etc.) should be added, and the signage should be in both English and Spanish. Special attention should be paid to Kent County given how difficult it is to get from the main entrance of the courthouse to the law library.
7. For both efficiency and security, the layout of the law libraries should be altered to serve its new mission as Pro Se Centers.
8. Additional computers should be added to the Pro Se Centers, and contracts for certain services, such as Westlaw contracts, may need to be expanded depending on use.

9. The courts' forms and the instructions for the same should be analyzed and updated where necessary.
10. The law libraries should purchase additional resource material for Pro Se litigants, and the most commonly used works should be purchased in both English and Spanish when possible; and
11. A Pro Se Centers website, as part of the Delaware Courts website, should be developed.

E. Recommendations: Investments Needed for Optional, but Preferred, Services

As discussed above, there are a number of services that the Pro Se Centers ideally should offer. However, the perfect should not be the enemy of the good, and the Subcommittee realizes that there may be restraints on the resources available that prevent the adoption of all of its recommendations. To the extent resources are available for the optional services discussed above, the following investments are recommended by the Subcommittee based on its research:

1. If Pro Se Centers are to host programs where lawyers offer limited legal representation, there should be renovations of law library spaces to provide for glass-enclosed office spaces for attorney consultation.
2. If the Pro Se Centers are to offer interpreter services, interpreter staffing will be necessary. Depending on the level of services offered

and the increase in Staff from those services, it may be necessary to add additional employee computer workstations.

3. If the Pro Se Centers are to offer programs providing limited legal representation, the Subcommittee will likely recommend certain revisions to the Delaware Lawyers' Rules of Professional Conduct be considered. However, the Subcommittee continues to research this issue.

ANALYSIS

I. IDENTIFYING THE CHALLENGES DELAWARE PRO SE LITIGANTS FACE

A. The Needs of Pro Se Litigants Generally

Much like an attorney would, a pro se litigant needs to be able to: 1) draft the appropriate pleadings, written discovery, motions, briefs, and other documents required by the relevant court for a particular proceeding; 2) research the law governing the dispute; and 3) research the procedures and practices in the relevant court so as to correctly present that litigant's case. Accordingly, "[t]he core idea of self-help services is simple: Give litigants information and tools to help them understand how to start a case, move it forward, present the facts to the decision maker, and obtain the benefit of, or comply with, the court's order."⁴

⁴ Deborah Saunders, Richard Zorza, and Pamela Casey, *Access Brief: Self-Help Services*, CENTER ON COURT ACCESS TO JUSTICE FOR ALL, 1, <http://cdm16501.contentdm.oclc.org/utills/getfile/collection/accessfair/id/263/filename/264.pdf> (last visited March 22, 2016).

B. The Needs of Pro Se Litigants in Delaware Specifically

With the needs of pro se litigants generally in mind, the Subcommittee next examined each Delaware state court’s experience with pro se litigants. The Subcommittee found that pro se litigants appear in every state court in Delaware. Although litigation involving pro se litigants can conceivably involve any number of subject matters, based on interviews of judges and staff from each court, the Subcommittee has identified the following as the subject matters most often litigated by at least one pro se litigant in each court and the resources in highest demand by pro se litigants in that court:

	Justice of the Peace Court	Court of Common Pleas	Family Court	Superior Court	Court of Chancery	Supreme Court
Subject Matters	Landlord/Tenant and truancy	Consumer debt, name change, construction litigation and appeals from JP Court	PFAs, guardianship, divorce and custody/visitation	Expungement, board appeals, Habeas petitions, return of property, and redesignation of sex offender tier	Guardianships	Prisoner claims and post-conviction appeals
Resources in Highest Demand	Assistance in presenting case at trial and limited legal representation	Information regarding legal services, interpreters, and instruction packets	Guidance about legal process and questions that rise to the level of legal advice	Assistance in form completion	Assistance in form completion	Assistance with briefs, arbitration for prisoners and adult guardians, videos, managing expectations

Given that the Subcommittee’s research reveal that there is pro se litigation in all Delaware courts, and particularly in its trial courts, the Subcommittee believes that Pro Se Centers should be able to deal with a variety of subject matters and provide assistance relevant to litigants in all of these courts.

II. IDENTIFYING THE SOLUTION, WHICH DICTATES THE SPACE NEEDS

Based on the needs of pro se litigants generally and the needs of Delaware pro se litigants specifically, the Subcommittee has attempted to identify solutions to address pro se litigants needs. Those solutions, in turn, dictate the space needed for the Pro Se Center. The Subcommittee has divided these solutions into two categories: A) What pro se centers *must* have given the needs and B) what pro se centers *might* include depending on available resources.

A. What Pro Se Centers Must Have

1. Access to courts’ forms

As the Self-Represented Litigation Network (“SRLN”)⁵ has explained in *Best Practices in Court-Based Programs for the Self-Represented*, “[s]imple, easy-

⁵ Formed in 2001, the SRLN is “a network of judges, court managers, attorneys, librarians, scholars, technologists, and community leaders that believe everyone deserves access to justice and that when people come to court, they have a right to procedural justice and to understand the proceedings in which they are participating.” SELF-REPRESENTED LITIGATION NETWORK, <http://www.srln.org/node/21/about-srln> (last visited March 29, 2016). “SRLN identifies, supports and evaluates innovative services and strategies to create a user-friendly legal system for self-represented litigants.” *Id.* It has championed “self-help centers, standardized forms, case management reform, procedural simplification, plain language and multi-lingual resources and services, strategic and empowering uses of technology, integrated delivery systems among

to-use forms are essential for self-help programs and benefit both litigants and courts. Litigants who use forms prepare legally sufficient pleadings more often, understand the system better, and complete the process faster and more frequently.”⁶ Furthermore, the SRLN has found that “[w]hen forms are available and used, courts run more efficiently and effectively, can decide disputes on the merits more often, and can present better data to decision makers.”⁷

Given the effectiveness of forms, Delaware courts have opted to provide forms to pro se litigants for a variety of different types of disputes. However, for forms to have their desired impact, they must reach the pro se litigants. Accordingly, any self-help center will need to make such forms available both electronically and in paper.

a. Computers should be linked to all courts’ forms and samples

One way the Pro Se Centers may provide forms to pro se litigants is through use of the courts.delaware.gov website, which recently underwent extensive revisions to make it more accessible to all users, including the public. In

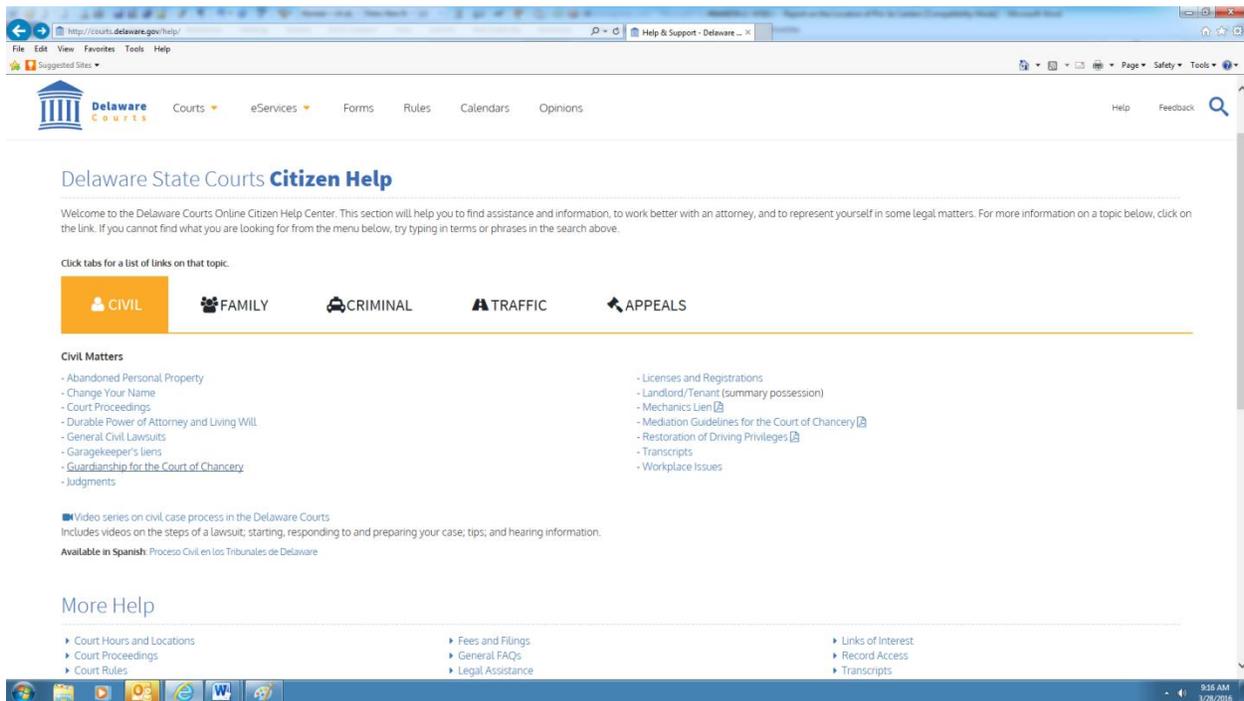
providers, and judicial education to improve the self-represented litigant (SRL) courtroom environment.” *Id.*

⁶ *Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes: Issues for Exploration, Examples, Contacts, and Resources*, SELF-REPRESENTED LITIGATION NETWORK, 43 (2008), [http://www.srln.org/system/files/attachments/SRLN%20Best%20Practices%20Guide%20\(2008\).pdf](http://www.srln.org/system/files/attachments/SRLN%20Best%20Practices%20Guide%20(2008).pdf) [hereinafter *SRLN’s Best Practices*].

⁷ *Id.*

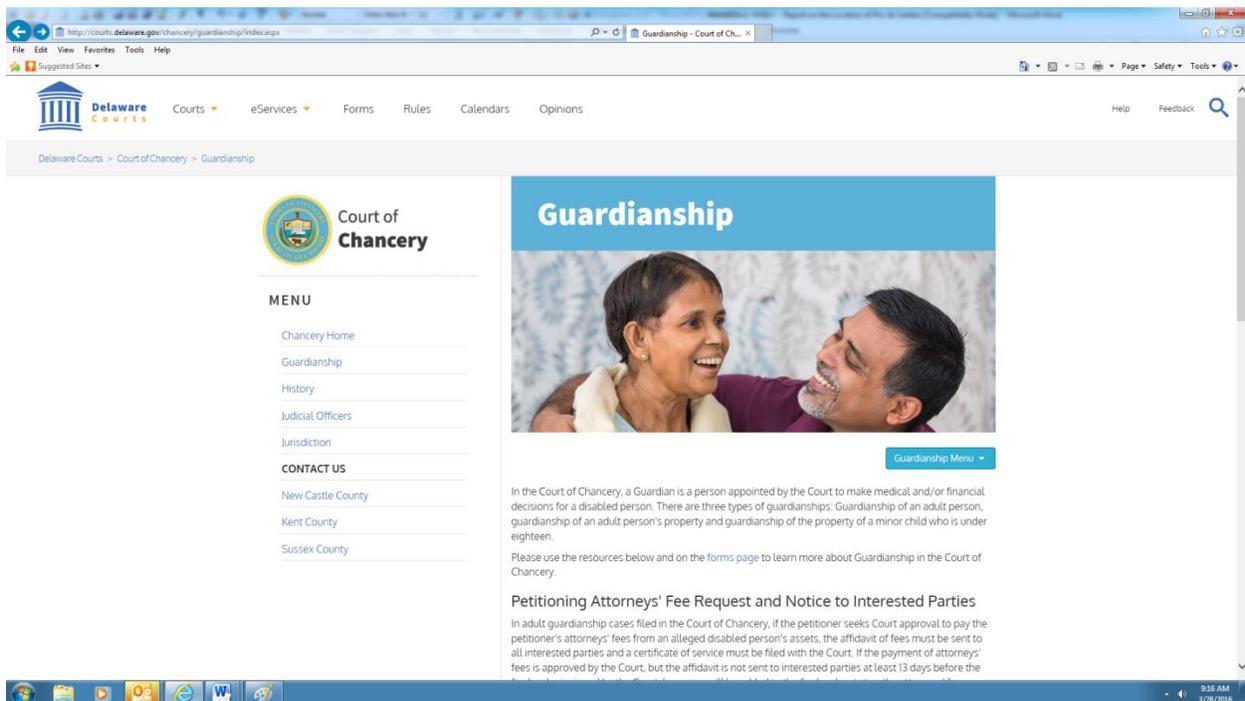
particular, the “Citizen Help”⁸ portion of the website compared to the prior website is better organized, easier to use, and cross-references to more of the court-specific forms and information already available. The Pro Se Centers should take advantage of these already organized resources.

The “Citizen Help” webpage is organized into five general topics: 1) Civil; 2) Family; 3) Criminal; 4) Traffic; and 5) Appeals. Under each main heading, there are links to subheadings within that general subject. For example, under “Civil,” there are links to topics such as “Landlord/Tenant,” “General Civil Lawsuits,” and “Durable Power of Attorney and Living Will.”

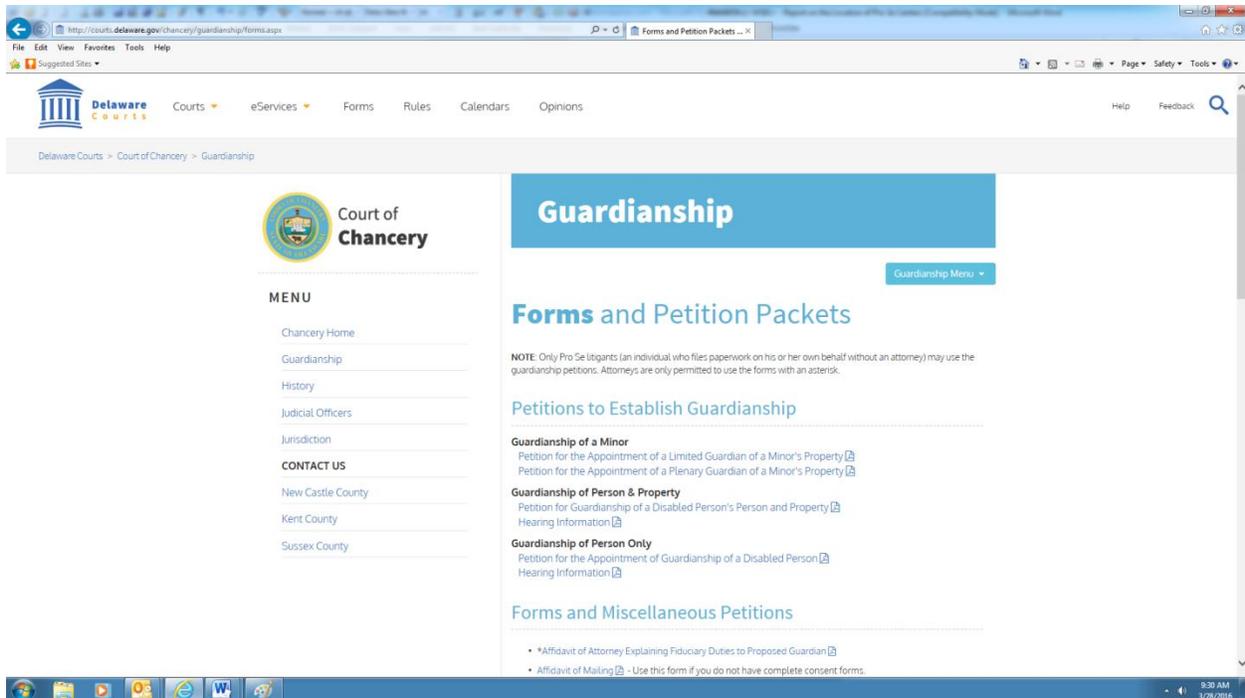


⁸ *Delaware State Courts Citizen Help*, DELAWARE COURTS, <http://courts.delaware.gov/help/> (last visited Apr. 20, 2016).

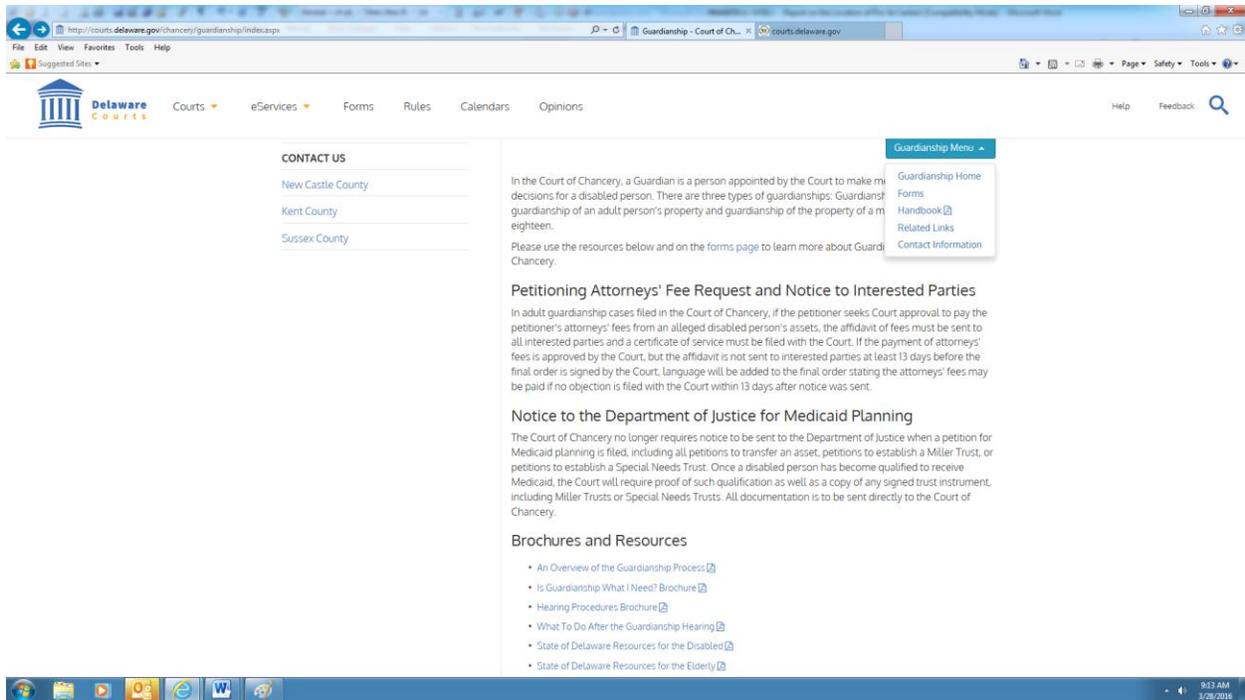
Once the pro se litigant clicks on the appropriate link for a subheading, he or she is taken to a page with detailed information about that topic, as well as resources. For example, if a pro se litigant clicks on the above-link for “Guardianship for the Court of Chancery” under “Civil,” he or she will see the following:



Within the first two paragraphs are links to the Court of Chancery’s “forms page” for guardianship proceedings, which are specifically for pro se litigants:



Additionally, if the litigant uses the dropdown “Guardianship Menu” or scrolls down the page, there are links to other resources, such as brochures and handbooks:



Given the forms and information available from the Delaware Courts website, the Pro Se Centers *must* have computers linked to the Delaware Courts website, as well as printers to print the appropriate forms and other materials.⁹

b. Hard copies of commonly used forms and samples

The computer literacy of pro se litigants will vary. Accordingly, the SRLN’s *Best Practices in Court-Based Programs for the Self-Represented*

⁹ Overall, the new website is much improved. However, we do have one suggestion with regard to the site’s self-help services. From the homepage, <http://courts.delaware.gov/>, a user is invited to select among “The Public,” “Jurors,” “Attorneys,” and “The Media.” Once the user selects, “The Public,” there is a link for “Help.” http://courts.delaware.gov/information_public.aspx Although there is small text under the “Help” link explaining that the “Help Section” contains “more information on court proceedings, legal assistance and general information on starting, responding to and preparing your case,” *id.*, we suggest that rather than just having the section be entitled “Help” it be retitled “Citizen Help,” “Self-Help,” or “Pro Se Help.” Once the user clicks on the link, the user is taken to a page entitled “Citizen Help.” Therefore calling it “Citizen Help” rather than simply “Help” on the prior page is more consistent. More importantly, such titling avoids confusing users who may think that the “Help” section is a more generalized technical “help” page like that available on most commercial websites.

suggests that forms be available in both paper and hard copy format.¹⁰ The Pro Se Centers should stock the most widely used forms in hard copy. Forms less widely used can be accessed from the Delaware Courts website as discussed above and then printed when needed.

With that said, for an increasing number of the population, computer literacy is becoming less of a problem. Accordingly, methods should be developed to track levels of computer literacy among the patrons of the Pro Se Centers. This will enable the head of the Pro Se Centers and the supervisors of each individual Pro Se Center to understand the right number of staff needed and what training is needed. Ultimately, the goal would be to eventually retire the use of paper forms or only have litigants use them as a template for drafting a pleading that can be typed into a computer form.

2. Sufficient staff at each Pro Se Center to provide guidance on how to complete forms, perform research, and provide other assistance

One of the requirements for the Pro Se Centers is a “[w]ell-trained, dedicated, and well-managed staff.”¹¹ Even with court-sanctioned forms and information available online or on shelves in hard copy in the Pro Se Centers,

¹⁰ *SRLN’s Best Practices*, *supra* note 4, at 43 (suggesting that forms should be available “readily available at the courthouse, in other locations, and on the Internet”).

¹¹ SELF-REPRESENTED LITIGATION NETWORK, *Module 2: Establishing and Operating a Court-Based Self-Help Center*, in *COURT LEADERSHIP AND SELF-REPRESENTED LITIGATION: SOLUTIONS FOR ACCESS, EFFECTIVENESS, AND EFFICIENCY*, Slide 31 (Richard Zorza ed., 2008), <https://drive.google.com/file/d/0B-vVAxIirwl5MkNrTk9qekIPalU/view>.

many pro se litigants will need assistance finding forms, understanding forms, and performing legal research. The SRLN has found that “[m]ost well-established self-help centers use staff and pro bono attorneys to provide . . . one-on-one assistance to self-represented litigants.”¹² Therefore, the Pro Se Centers shall require sufficient staffing to provide assistance to the pro se litigants. The Pro Se Center Staff will need to be trained to provide “information and education, rather than advice.”¹³ Furthermore, the Staff will need to avoid making statements that give the impression that they represent the pro se litigant.¹⁴ As will be discussed in more detail below, written protocols should be drafted to both triage pro se litigants and to govern Staff conduct.¹⁵

“The number of people needed to staff a Court Help Center depends on a variety of factors including the number of unrepresented litigants in the area that the office serves, the litigants’ legal needs, and the services offered.”¹⁶

Additionally, “[t]he positions and division of responsibilities must be flexible; job

¹² *SRLN’s Best Practices*, *supra* note 4, at 37.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *See infra* at 46-48.

¹⁶ Rochelle Klempner, *Best Practices for Court Help Center: A Guide for Court Administrators and Help Center Staff Inside and Outside New York State*, NEW YORK STATE UNIFIED COURT SYSTEM, 17 (Apr. 2015), https://www.nycourts.gov/ip/nya2j/pdfs/NYSA2J_BestPracticesHelpCenter.pdf [hereinafter *NY’s Best Practices* or *New York’s Best Practices*].

responsibilities may overlap if there are more or less staff members. No Help Center should be staffed with only one employee.”¹⁷

Specific Staff positions should include some combination of the following:

1) an overall head of the Pro Se Centers (which could be an administrator, attorney, or chief law librarian); 2) a supervisor of each individual Pro Se Center (recommended to be law librarians), 3) other court attorneys or clerks, 4) a triage person who initially meets with the pro se litigant to determine how to help the individual (recommended to be an experienced clerk), 5) an interpreter, 6) a Court officer “to help maintain decorum,” 7) student interns and volunteers, and 8) clerical staff.¹⁸

As the overall head of the Pro Se Centers, the Subcommittee believes that a single administrator, staff attorney, or chief law librarian could oversee all three Pro Se Centers, and each individual law librarian could supervise the Pro Se Centers in her respective county. This approach allows one person to develop an overall plan for the Pro Se Centers so as to provide consistent service to pro se litigants regardless of their geographic location. Each law librarian would then function as the supervisor of the Pro Se Center in her respective county, reporting to the head of the Pro Se Centers, at least on Pro Se Center matters.

¹⁷ *Id.*

¹⁸ *NY’s Best Practices*, *supra* note 14, at 18-20.

The concept of a rotation of Staff for the Pro Se Centers is recommended.

Although continuity of staffing is ideal in any office where there is a significant learning curve, this is not necessarily advised in the Help Center. Interacting with the unrepresented public, people who are generally dealing with cases with serious consequences, is stressful, draining work, and can even lead to vicarious trauma. Rotating in and out of the Help Center gives staffers an opportunity to recharge. In addition, an employee is likely to work a counter or courtroom position in a more understanding and solicitous manner after having spent time working in a Help Center. Staggered biannual rotations are especially suggested for Help Center staff that conduct one-on-one consultations.¹⁹

The Subcommittee contemplates that the Pro Se Center's Staff would assist pro se litigants with completing forms and assisting with research. Additionally, the Staff could address these other general areas: "Triage cases set for hearing[,] [p]rovide settlement assistance[,] [p]rovide procedural help during hearings[,] [p]repare writing orders after hearing[,] [p]rovide post-hearing assistance."²⁰

In their interactions with pro se litigants, the Staff must be neutral.²¹ Such neutrality should include the Staff's disclosure of the limits of services they are

¹⁹ *Id.* at 17.

²⁰ SELF-REPRESENTED LITIGATION NETWORK, *Module 10: Courtroom Staffing and Services for Access*, in COURT LEADERSHIP AND SELF-REPRESENTED LITIGATION: SOLUTIONS FOR ACCESS, EFFECTIVENESS, AND EFFICIENCY, Slide 4 (Richard Zorza ed., 2008), <https://drive.google.com/file/d/0B-vVAxIirwl5eGtmZ3pHY3pjck0/view>.

²¹ Other self-help centers have used the following definition of neutrality: "No attorney client relationship[;] No confidentiality[;] No advocacy[;] Equal treatment under equal circumstances[;] [and] Comparable services for parties on either side of a case[.]" SELF-REPRESENTED LITIGATION NETWORK, *Module 1: Challenge, Models, Court Self-Diagnosis, and Strategies for Getting a Court Moving*, in COURT LEADERSHIP AND SELF-REPRESENTED LITIGATION: SOLUTIONS FOR ACCESS, EFFECTIVENESS, AND EFFICIENCY, Slide 27 (Richard Zorza ed., 2008), <https://drive.google.com/file/d/0B-vVAxIirwl5QUNUbEV0bEV2MIE/view>.

providing at the beginning of all interactions with pro se litigants, such as “that they provide only legal information about court procedure and options for forms but always remain neutral.”²²

In determining who should staff the Pro Se Centers, it is helpful to identify personnel who have the following characteristics:

1. Even temperament: Help Center staffers need to have a personality that deals well with people who are going through a variety of emotions. Common decency, civility, and respect are essential character traits. Staff must be professional, yet also understanding and patient. Staff must also be able to control potentially volatile litigants by exuding a calm authority. These positions are not for everyone.
2. Strong communication skills: When people are in emotionally compromised states they may not be able to clearly express their needs and questions. Staff must be able to anticipate and answer basic questions clearly and succinctly, be able to quickly solicit information, be adept at keeping the litigant on topic, and be good listeners.
3. Experience: Help Center personnel should have knowledge about court rules, procedures and practicalities. It is best when Help Center employees have worked in other court offices that interact with unrepresented litigants prior to working in the Help Center.
4. Ethics: No gifts, payments, or favors can be accepted by staff working in the Help Center from the litigants they serve. In addition, staff may not assist litigants outside of the Help Center for any remuneration or encourage litigants to hire any particular attorneys. Accordingly, staff members should have the appropriate ethics and understanding of their role.

²² *Module 2: Establishing and Operating a Court-Based Self-Help Center*, *supra* note 9, at Slide 9.

5. Bilingual: Not a requirement for employment but an extremely helpful qualification. The need for this ability is dependent on the Help Center’s demographic.

6. Facilitating Access Training: All Help Center personnel should be well educated in the extent of information that they can provide and have attended training on interacting with unrepresented litigants prior to working in a Court Help Center....²³

At the same time, it is helpful to avoid staffing the Pro Se Centers with:

Long-term court employees who are resistant to change[;]

Long-term court employees who are acculturated to not giving out information[;]

People who may have had or be involved in court cases who can’t separate out their situation[;]

People who demonstrate a bias to one perspective in a case (e.g., overly sympathetic to DV victims)[;]

People who can’t help but to advocate for one side in a case[;] [or]

People who want to do the work for the litigant because the litigant can’t do it as well.²⁴

²³ *NY’s Best Practices*, *supra* note 14, at 17-18 (2015); *see also Module 2: Establishing and Operating a Court-Based Self-Help Center*, *supra* note 9, at Slides 41-42 (suggesting self-help centers be staffed with people who possess the following attributes: “customer service-oriented[,] empathetic[,] express desire to help people help themselves[,] able to think on their feet[,] innovative[,] practical[,] non-judgmental[,] team-players[,] open to learning [and] fast learner,... [have] court experience ... [,] able to work independently but within strict guidelines[,] ability to deal with stress[,] ability to multi-task[,] reflects diversity of SHC users[,] bilingual in languages spoken by SHC users[,] ... have relevant experience teaching[,] sales[,] working with populations SHC serves”).

²⁴ *Module 2: Establishing and Operating a Court-Based Self-Help Center*, *supra* note 9, at 43.

Finally, in order to engender public trust, as Delaware is a racially and ethnically diverse community, the Staff of the Pro Se Centers should also be diverse.²⁵

3. Resources to research applicable law, court rules, and court procedures

The Pro Se Centers need resources sufficient for pro se litigants to research the relevant law, as well as the court rules and court procedures in all Delaware courts. As the SRLN has explained, “[a] program that produces a full range of information, including multi-lingual informational and educational materials about the law, the court, and court procedures, is crucial to any access to justice program.”²⁶ Pro se centers with written information are most effective when the materials: 1) are current; 2) “cover all major issues of law and procedure;” 3) “[cover] all sides of the issues;” 4) are understandable by users whose literacy is limited; 5) are easily accessible; 6) are available in all languages commonly spoken in the jurisdiction; and 7) have been vetted by attorneys in the jurisdiction for accuracy.²⁷

²⁵ *Module 1: Challenge, Models, Court Self-Diagnosis, and Strategies for Getting a Court Moving*, *supra* note 19, at 39; SELF-REPRESENTED LITIGATION NETWORK, *Module 14: Promoting Access for Those With Limited English Proficiency*, in COURT LEADERSHIP AND SELF-REPRESENTED LITIGATION: SOLUTIONS FOR ACCESS, EFFECTIVENESS, AND EFFICIENCY, at Slide 20 (Richard Zorza ed., 2008), <https://drive.google.com/file/d/0B-vVAxIirwl5QVYtNVZIZ0t4aUk/view>.

²⁶ *SRLN’s Best Practices*, *supra* note 4, at 17.

²⁷ *Id.*

B. What Pro Se Centers Might Include

1. Rotating staff from various courts available by video conference via FaceTime, Skype, or similar application to assist pro se litigants with forms and filings

In addition to opportunities for Pro Se Litigants to speak in person with Staff in the Pro Se Center, there is an opportunity to use modern technology to allow pro se litigants to interact with Staff from a remote location. The backbone of such a system would be the website for the Pro Se Center.²⁸ From the main website, pro se litigants would have the opportunity to use chat and messaging tools to interact with an on-call Staff member who can assist with their inquiries.²⁹ In addition to the chat feature, the website would also give pro se litigants the opportunity to use videoconferencing or webcam applications, like Skype or Facetime, to interact with the on-call member of the Staff.³⁰ A determination needs to be made as to the hours that such a Staff member would be on call to answer questions.

Additionally, the Pro Se Center can offer resources in the center itself to allow litigants to access Staff who are not physically present in the Center.³¹

²⁸ SELF-REPRESENTED LITIGATION NETWORK, *Module 13: Distance Services for the Self-Represented*, in COURT LEADERSHIP AND SELF-REPRESENTED LITIGATION: SOLUTIONS FOR ACCESS, EFFECTIVENESS, AND EFFICIENCY, at Slide 6 (Richard Zorza ed., 2008), <https://drive.google.com/file/d/0B-vVAXlirwl5NUJZX1RfN2ZaelU/view>.

²⁹ *Id.* at 23.

³⁰ *Id.* at 30-31; *see also NY's Best Practices*, *supra* note 14, at 15.

³¹ *NY's Best Practices*, *supra* note 14, at 15.

2. Interpreter

Interpreter services are an integral part of any self-help center. “Interpreter programs are critical to access to justice. When there are no such programs all limited or non-English speaking litigants are harmed, but it makes the biggest difference to those who do not have a lawyer.”³² Moreover, “[w]ith immigration and demographic change, the number and percentage of SRLs who have limited English proficiency (LEP) is growing rapidly.”³³

Explaining why “[h]aving interpreting services available at all times...” in the Pro Se Centers, *New York’s Best Practices* state:

It is extremely important for unrepresented litigants to understand what is happening and what they are being told. Ideally, an interpreter in the language most requested should be part of the Help Center staff. If this is not feasible, but the court has interpreters on staff, then they should be available to be called to the Help Center to translate. For languages where there is no interpreter available, Language Line or a similar service can be used. Language line [sic] is a company that provides over the phone translation services in over 200 languages for various government agencies. This service is more helpful when the Help Center staff is trying to communicate short pieces of information like an adjournment date or what documents to bring to the next court appearance, rather than full conversations.³⁴

Additionally, effective interpreter programs:

³² *SRLN’s Best Practices*, *supra* note 4, at 95.

³³ *Module 14: Promoting Access for Those with Limited English Proficiency*, *supra* note 23, at Slide 3.

³⁴ *NY’s Best Practices*, *supra* note 14, at 15.

Help people who speak the languages that are most common in the area.

Are free.

Use good interpreters who know that there are often differences in culture as well as language that can get in the way of presenting a litigants case.

Include training on what interpreters can and cannot do -- ethics issues -- including the particular problems faced when litigants are not represented and how interpreters can be helpful in these situations.

Have Standards and a Code of Ethics for interpreters that reflect the needs of self-represented litigation.

Consider a certification requirement, at least for interpreters in frequently used languages.

Provide access to handouts in commonly spoken languages that explain basic court processes and include answers to questions frequently asked of interpreters by self-help centers.

Develop regular training and communication with the self-help center to encourage interpreters to make appropriate referrals and to identify areas where additional self-help instructional materials are needed and in what languages.³⁵

In addition to interpreter services, the Pro Se Centers should have translated and multilingual information available, including multilingual websites,³⁶

directional and information signs in at least two languages or pictographs in the Courthouse,³⁷ translated instructions for forms,³⁸ provide “I Speak” cards where

³⁵ *SRLN's Best Practices*, *supra* note 4, at 95.

³⁶ *Module 14: Promoting Access for Those with Limited English Proficiency*, *supra* note 23, at Slide 17.

³⁷ *Id.* at 12.

Pro Se Center users can check off the language they speak,³⁹ and multi-lingual video or audio resources either in the center or on the website.⁴⁰

3. Lawyers offering limited representation

The Administrative Office of the Court, in conjunction with Delaware Volunteer Legal Services (“DVLS”), sponsors a program called the Limited Legal Assistance Program (“LLAP”). LLAP offers members of the public the opportunity to schedule an appointment for a free fifteen minute consultation with a volunteer attorney to obtain legal advice on family law matters. Appointments are scheduled for Mondays from 11 a.m. to 1 p.m. Prior to the appointment, the attorney is provided with the name of the potential litigant and a general description of the legal issue. The program operates exclusively in the New Castle County Courthouse and uses private space in the law library. The Administrative Office of the Court arranges the appointments and assists potential litigants to organize their thoughts and issues to make the most of the fifteen minute appointment. Litigants are not permitted to have successive consultations on the same issue. The program also offers consultations for Spanish speaking litigants. The appointments for Spanish speakers are longer to accommodate interpretation.

³⁸ *Id.* at 13-14.

³⁹ *Id.* at 15.

⁴⁰ *Id.* at 16.

In the Pro Se Centers, the LLAP program or other similar program should be expanded to cover broader subject matter and to allow for more spontaneous referrals to assist litigants with more ministerial questions about filing that could be answered with simple legal advice. The program would need to be staffed by at least two attorneys to avoid conflicts of interest. A simple form engagement letter describing the terms and conditions of the program should be developed.

4. Virtual assistance from law librarian, staff, or lawyer offering limited representation

“There are many litigants for whom travelling to the [Pro Se Centers] presents a great challenge. Offering remote assistance to deliver legal information accommodates litigants who are homebound, disabled or have other health issues, have childcare issues, cannot afford the trip to the courthouse, live too far from the courthouse, cannot benefit from information delivered over the internet, or are uncomfortable seeking assistance.”⁴¹ Virtual assistance is a service initiated electronically, often in real-time, where patrons employ computers or other internet technology to communicate with reference staff, without being physically present. Communication channels used frequently include chat, videoconferencing, Voice over IP, co-browsing, email, and instant messaging. Virtual assistance questions

⁴¹ *NY's Best Practices*, *supra* note 14, at 15.

are sometimes followed-up with telephone, fax, in-person and regular mail, even though these modes of communication are not considered virtual.⁴²

Currently, the law libraries in Delaware use virtual reference/assistance services in the form of *Ask a Law Librarian* and email. *Ask a Law Librarian* is an email service created, maintained, and operated by the law librarians since 2013. It is featured on the homepage of the Delaware Courts (<http://courts.delaware.gov/>) as a free service for public inquiries into all aspects of the Delaware Judiciary. *Ask a Law Librarian* allows patrons to submit their questions via an online form. This can be done anonymously also, if preferred. Patrons may also email a specific county law librarian if the issue is county-specific or product-related to one particular law library.

Court staff providing advice on forms and filing, as well as attorneys offering limited representation, would make virtual assistance even more helpful to pro se litigants. They would bring knowledge about varying court procedures and limited legal advice about litigant's individual legal situations to those who are unable to physically come to the Pro Se Centers during business hours.

FaceTime, Skype, Google Hangouts, ooVoo, VSee, Zoom.com, and Join.me all enable video conferencing on a broad range of devices and operating systems.

⁴² MARS DIGITAL REFERENCE GUIDELINES AD HOC COMMITTEE, *Guidelines for Implementing and Maintaining Virtual Reference Services*, REFERENCE AND USER SERVICES ASSOCIATION (June 2004), <http://www.ala.org/rusa/resources/guidelines/virtrefguidelines>.

Many of the platforms listed above also have a chat feature. Using the same platform to conference and chat is an effective way to chat without additional software and also offers a closed text environment. Using one platform for all forms of communication is recommended to streamline the process.⁴³

Video conferencing technology is proving a powerful and cost-effective way of providing remote services to court and community locations that would otherwise go unserved. In addition to the one-on-one assistance to the self-represented previously discussed, it can be used to provide clinics and workshops.⁴⁴

Video conferencing is also an opportunity for attorneys to easily provide pro bono services without leaving their offices. An attorney can provide legal consultation from any location with an internet connection. A community member can go to a convenient local site, such as a library, local legal aid office, or community center, to seek services.⁴⁵

⁴³ *SRLN Brief: Tools for Mobile Engagement with Customers, Clients, Colleagues and Partners*, SELF-REPRESENTED LITIGATION NETWORK (2015), <http://www.srln.org/node/612>.

⁴⁴ *SRLN's Best Practices*, *supra* note 4, at 25-26.

⁴⁵ *Virtual Pro Bono Legal Services Frequently Asked Questions--What You Need to Know*, PRO BONO PROJECT, <http://www.probonoproject.org/vls-faq/> (last visited April 4, 2016).

The Judicial Branch has a combination of Polycom and Tandberg videoconferencing systems in all three counties.⁴⁶ These systems are already utilized for in-state usage as well as interstate and international calls. It might be possible to expand on the usage of these productions to help service the needs of the self-represented litigant. However, other products should also be considered to identify the products that both have sufficient security but are also easy to use.

Possible future virtual assistance services could include developing a mobile app. There is a free mobile app currently used by Maryland Courts. It helps the public better understand and navigate the court system by bringing legal information to smartphones and tablets. It incorporates the most popular online resources and puts them together in one place to help the pro se litigants “find solutions and resolve conflicts without court involvement.”⁴⁷ According to the Self-Represented Litigation Network, “Mobile will continue to evolve as an ever increasing way to reach people who don’t have the time to wait on a legal hotline call, visit a self-help or legal help office, or visit a public computer to print out

⁴⁶ DELAWARE ADMINISTRATIVE OFFICE OF THE COURTS, *Judicial Information Center*, DELAWARE COURTS, <http://courts.delaware.gov/aoc/jic.aspx> (last visited April 20, 2016).

⁴⁷ MARYLAND COURTS’ OFFICE OF COMMUNICATIONS AND PUBLIC AFFAIRS, *New Mobile App Improves Access to Justice*, MARYLAND COURTS (Dec. 9, 2015), <http://mdcourts.gov/media/news/2015/pr20151209.html>.

documents. A smartphone is private and accessible anytime, from bus rides to breaks.⁴⁸

5. Electronic filing services

Electronic filing services are vital to a self-help center because they facilitate a “one-stop shopping” approach to court business. According to the Center on Court Access to Justice for All, although e-filing programs are often designed for use primarily by attorneys, the full benefits of a system are only realized when the system is also easily accessible to those representing themselves. With regard to e-filing, the Center on Court Access to Justice for All suggests courts consider the following: 1) waiver of fees and payment through multiple forms; 2) verification of identity only in limited circumstances; 3) integration of the e-filing system with document assembly software; 4) use of industry standards for software; 5) an “opt-out” if the litigant does not wish to utilize the e-filing system; and 6) operational issues such as user and staff training.⁴⁹

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

⁴⁸ Alex Smith Davis, *Forms in Your Pocket: Mobile Solutions Are Nearly Ready to Scale*, SELF-REPRESENTED LITIGATION NETWORK (2016), <http://www.srln.org/node/846/forms-your-pocket-mobile-solutions-are-nearly-ready-scale-news-2016>.

⁴⁹ Richard Zorza and Pamela Casey, *Access Brief: Accessible Electronic Filing*, NATIONAL CENTER FOR STATE COURTS, 2-4 (Sept. 2013), <http://ncsc.contentdm.oclc.org/cdm/ref/collection/accessfair/id/316>.

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.

Although litigants can e-file using the Courts' systems, pro se litigants often need assistance in e-filing if they do not regularly do so. Additionally, the e-filing systems currently accept credit card payments and, therefore, would not be available for use by a pro se litigant seeking to pay filing fees in cash, check or seeking to proceed in forma pauperis. A workaround needs to be developed with the e-filing vendor so that a credit card is unnecessary.

Based upon the e-filing usage of pro se litigants in Justice of the Peace Court and Court of Common Pleas, it appears that many pro se litigants who physically come to the Pro Se Centers will prefer to paper file. The courts believe this to be true for a number of reasons. First, if a litigant were comfortable with the process and able to e-file, the litigant would likely do so from home or some other remote location convenient to them. Second, pro se litigants are usually looking for additional assistance beyond e-filing. They often are not sure what to file or how to properly complete the paperwork and have additional questions about court

processes. Due to technology, a great potential exists to combine the need for staff assistance and the ability to e-file by having litigants come to the Pro Se Centers and complete their e-filing paperwork online with Staff assistance. Even if paper forms have been used for drafting, electronic forms could be filled out on computers in the Pro Se Centers to finalize the pleading. By establishing Pro Se Centers that offer the assistance of trained Staff, the challenges to self-represented litigants of e-filing are mitigated.

Regardless of whether litigants are truly e-filing at the Pro Se Centers or submitting their paperwork to Staff who e-file (or scan in) the documents for them, it is critical that the Pro Se Centers afford litigants the opportunity to file their paperwork onsite. Without this capability, litigants might be less likely to use the services of the Pro Se Center. For instance, if Justice of the Peace Court litigants are not able to file in the Pro Se Center, it might be less likely that they will use the center because they would have to travel to the Pro Se Center to receive forms and information, but then travel to a different location to file. If e-filing is not initially offered at the Pro Se Centers, the Subcommittee recommends that pro se litigants (both those at Pro Se Centers and those arriving at the courts to file) be surveyed to determine if they would have been more likely to utilize the Pro Se Center's service if it offered e-filing.

6. Information from community and social services

Pro se litigants seeking assistance with their civil legal matters often face multiple challenging situations simultaneously. For instance, many litigants that come to the Justice of the Peace Court to file a landlord-tenant claim have additional housing concerns and problems. In thinking about the more broad concerns of the community and the litigants we serve, the Pro Se Centers should also provide information about community services and social services that may be of assistance to court filers. These materials may be sought from different social service agencies and are usually provided free of charge. Examples include brochures, pamphlets, flyers, public transportation schedules and informational sheets. By providing these materials the Pro Se Center will easily provide assistance to the public in a broader and more holistic way.

Additionally, in partnership with these community service providers, information about the availability of legal resources at the Pro Se Centers can be advertised. Just as the court system can provide information about community service providers, these providers can offer information and referrals to Pro Se Centers for those in the public who are in need. The Access to Justice program through the New York State Courts recently published a guide of best practices for self-help centers, which discussed the importance of partnering with community agencies. Specifically, *New York's Best Practices* suggest promotion of the Pro Se

Centers at community events, such as law day celebrations, court tours and information fairs, as well as having local organizations provide information to the community about the Pro Se Centers' services.⁵⁰

7. Training seminars for pro se specific topics

a. Legal clinics inside and outside of the Pro Se Centers

To build on the foundation that a self-help center should be a place to promote learning and legal understanding, the Pro Se Centers should have adequate space to accommodate small legal training seminars. The focus of these seminars could include subject matter such as “How to Write a Brief,” “How to Subpoena,” or “Understanding the Delaware Code.”⁵¹ Indeed, across the country many self-help centers provide legal workshops.⁵² An example of this is California’s Kern County Law Library, which provides a revolving schedule of self-help seminars on a monthly basis on topics such as “Bankruptcy,” “Guardianships,” and “How to Probate a Small Estate” hosted by attorneys.⁵³

⁵⁰ *NY’s Best Practices*, *supra* note 14, at 15.

⁵¹ These are examples of questions that have been asked on the *Ask a Law Librarian* online service. The topics can be better identified based on the most frequently asked questions once the Pro Se Centers have opened.

⁵² See generally *Directory of Library-Based Self-Help Programs*, AMERICAN ASSOCIATION OF LAW LIBRARIES (2012), <http://www.aallnet.org/sections/sccll/toolkit/Self-Representation-Resources/directory.pdf>.

⁵³ KERN COUNTY LAW LIBRARY, http://kclawlib.org/info/Free_Workshops.html (last visited April 5, 2016).

Legal clinics can also be conducted *outside* the Pro Se Centers. This can be done through partnerships with community centers and public libraries. As noted in the Access to Justice Special Report by the American Association of Law Libraries:

Libraries may become host sites for other legal service providers to hold clinics that they operate. They may host “Attorney in the Library” programs or coordinate similar programs hosted in public libraries or in other community gathering places. Not only can law libraries host seminars or continuing legal education programs for both attorneys and the public, they can also create guides of resources available in their library on specific topics, highlighting not only books but links to resources found on their website or the Internet.⁵⁴

While visiting several Maryland Self-Help Centers in Annapolis and Howard County, Subcommittee members noted that the “Lawyer-in-the-Library” programs were hosted in public libraries, several times per month in the evenings.⁵⁵ The programs focused on civil law issues (landlord/tenant, debtor/creditor, administrative issues, contract issues) and family law issues (child support, custody/visitation, guardianship, name change, divorce/separation). The Maryland Self-Help Centers reported that these programs were extremely successful; the after-hours availability filled a niche that was critically needed.

⁵⁴ AMERICAN ASSOCIATION OF LAW LIBRARIES SPECIAL COMMITTEE ON ACCESS TO JUSTICE, *Law Libraries and Access to Justice*, AMERICAN ASSOCIATION OF LAW LIBRARIES, 29 (July 2014), <http://www.aallnet.org/mm/Publications/products/atjwhitepaper.pdf>.

⁵⁵ In August 2015, Jason C. Jowers, Leah Chandler, and Pat Burris toured two self-help centers in Maryland that both ran after-hours clinics in public libraries. These after-hours programs were hosted by the law librarian and a volunteer attorney.

Partnering with the public libraries can also be achieved through: 1) Training public librarians on what they can appropriately do to assist patrons; 2) training public librarians on where key content is; 3) working with public library networks to create gateways to access; 4) providing informational clinics and educational programs in public libraries; 5) moving some of their hard copy collections to public libraries for access in the community.⁵⁶ The Delaware Law Librarians already have taken the initiative on this and have provided public librarians with workshops and presentations that “train the trainer.”⁵⁷

b. Online tutorials

The Pro Se Center could expand the online tutorials available through the Delaware Courts. Ken Kelemen, the Deputy Information Systems Manager for JIC, has identified the following steps involved in the process for the implementation of online training tutorials: 1) Develop outline for the materials; 2)

⁵⁶ Richard Zorza, *The Sustainable 21st Century Law Library: Vision, Deployment and the Access to Justice*, SELF-REPRESENTED LITIGATION NETWORK, 40-41 (April 2012), http://www.srln.org/system/files/attachments/Zorza%2021st%20Century%20Library_0.pdf.

⁵⁷ 2015 MLA/DLA Conference Presentation “Law at the Desk: Where to Start” hosted by Leah Chandler, Law Librarian, Sussex County (DE) Law Library, and Catherine McGuire, Head of Reference and Outreach, Maryland State Law Library (MD) (Official summary of presentation: “*When a patron asks a question about the law or a legal situation, do you stop in your tracks and wonder where to begin?* Well, look no further, this seminar is intended to navigate and demystify law-related questions for Delaware and Maryland librarians. The world of law is a complicated one, and legal resources are not always the easiest to locate or understand. This workshop is intended to provide librarians with the basic tools they need to assist their patrons with legal reference questions from reliable resources- both online and in print- specifically for Maryland and Delaware. Catherine and Leah will review and demonstrate the best practices for addressing a legal information inquiry, including the challenge of providing legal information without crossing into legal advice; technical vocabulary; and suggestions for translating a law question into approachable language.”)

identify involvement of individuals needed to participate in development (*e.g.* judges, librarians, JIC, etc.); 3) Establish whether training aid can be performed in-house or if it needs to be out-sourced to another vendor; and 4) identify associated production costs.⁵⁸

Importantly, these seminars/legal clinics under the Pro Se Centers' website can also be translated to Spanish and/or additional languages. After speaking with the Delaware Court's Interpreter Program Coordinator, Jennifer Figueira, she has agreed to assist with some translation services for the tutorials. It would be beneficial to the courts and citizens alike to eventually have an entire collection of self-help videos on popular legal topics in multiple languages.

8. Ability to perform criminal background searches

The public has a need to utilize criminal records for a variety of reasons. Open access to court records is a long standing bedrock principle for judicial agencies, and thanks to current trends in technology there are multiple ways that court records can be accessed.⁵⁹ Unsurprisingly, states differ on how they provide access to criminal records. Some states provide no criminal records online, while others offer only civil records. However, the majority of the states have a

⁵⁸ Mr. Kelemen opined that it may be worthwhile to keep our training aids simple and in shorter increments, due to the possibility that many pro se users may have outdated or ill-equipped software and downloading large files may prove to be too difficult.

⁵⁹ See generally *Privacy/Public Access to Court Records: Resource Guide*, NATIONAL CENTER FOR STATE COURTS, <http://www.ncsc.org/Topics/Access-and-Fairness/Privacy-Public-Access-to-Court-Records/Resource-Guide.aspx> (last visited Apr. 5, 2016).

compilation of both civil *and* criminal records offered online; whether for free or for a fee that ranges from \$1 per search, to a flat rate of \$10-15 dollars to utilize the service.⁶⁰ Some states provide a blend of both online records and physical locations similar to the Michigan Courts. Those courts offer online civil and criminal records, as well as public records access kiosks at different locations.⁶¹

Currently, public access to criminal records in Delaware is limited to the traditional methods of calling or visiting the individual courts, like the Prothonotary's Office in Superior Court, to view records. The Prothonotary's Office has public access computers with the ability to access criminal case information for the Court of Common Pleas and Superior Court, only. However, Family Court and the Justice of the Peace Court criminal records require additional steps and/or phone calls to gain access to those records.

How to access criminal records is a frequently asked question on *Ask a Law Librarian*.⁶² There is an evident demand for this information from the public. In an effort to create a "one-stop shop" for pro se needs, the Pro Se Centers should also have access to the criminal records databases from their public computers. A

⁶⁰ *Privacy/Public Access to Court Records: State Links*, NATIONAL CENTER FOR STATE COURTS, <http://www.ncsc.org/topics/access-and-fairness/privacy-public-access-to-court-records/state-links.aspx?cat=Public%20Access%20Web%20Sites> (last visited Apr. 5, 2016).

⁶¹ *Odyssey Public Access (OPA)*, THIRD JUDICIAL CIRCUIT OF MICHIGAN, <https://www.3rdcc.org/OPA.aspx> (last visited Apr. 5, 2016).

⁶² Approximately 1/4 of all the *Ask a Law Librarian* questions from the public revolve around criminal records access requests in any given month.

guiding principle of the Access to Justice Commission is “promoting accessibility by eliminating barriers;”⁶³ therefore, it would be beneficial to have access to *all* the Delaware courts criminal records of convictions from all Delaware courts in one location. The creation of a self-help center offers the perfect opportunity for implementation of an all-inclusive criminal records database of convictions offered to the public.

III. LAW LIBRARIES POSSESS MUCH OF WHAT A PRO SE CENTER MUST HAVE, AND THEY HAVE THE FLEXIBILITY TO INCLUDE WHAT PRO SE CENTERS MIGHT INCLUDE EVENTUALLY

Assuming no financial constraints, it would of course be theoretically possible to create a self-help center from scratch. Space near the courthouses in the New Castle, Kent, and Sussex Counties could be found, personnel could be hired, and computers and legal research materials could be purchased. Fortunately, Delaware’s underutilized law libraries already have many of the core resources needed to start the Pro Se Centers. *The Best Practices for Court, County, and Government Law Libraries* webinar by the SRLN provides that many law libraries provide access to court created forms as one of their basic services. “Most court

⁶³ CENTER FOR PUBLIC SERVICE, HATFIELD SCHOOL OF GOVERNMENT, PORTLAND STATE UNIVERSITY; Mark G. Harmon; Shannon Grzybowski; Bryan Matthew Thompson; & Stephanie Cross, *Building the 21st Century Legal Resource Center & Law Library*, PDX SCHOLAR, 10 (Dec. 18, 2014) http://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1001&context=publicservice_pub [hereinafter *Building the 21st Century Legal Resource Center*].

and county libraries already have what is needed to provide self-help services to the non-attorney.”⁶⁴

A. Law Libraries Have Computers to Access Court Forms Via Updated Court Website, Though More Computers Are Likely Needed

The law libraries currently have computers to provide pro se litigants access to the online forms and information found on the updated Court's web site. The New Castle County Law Library has six public computers and one printer. Two of the computers are dedicated to Lexis and Westlaw, one directly to the State Court's web page, one computer for Supreme Court and two for the Court of Chancery.⁶⁵ The Kent County Law Library has three computers and one printer.⁶⁶ The Sussex County Law Library has three computers and one printer.⁶⁷ Access to Westlaw and other online services currently provided by the Law Libraries should continue. However, in many cases, Pro Se Litigants will be better served by topic-specific treatises, particularly those geared toward pro se litigants, rather than case law research on Westlaw.

⁶⁴ SELF-REPRESENTED LITIGATION NETWORK, *SCCLL/SRLN ATJ Webinar 2 - Best Practices for Court, County, and Gov't Law Libraries*, YOUTUBE (June 30, 2015), <https://www.youtube.com/watch?v=mIYT8Q4X0sI&feature=youtu.be> (at "9:00-9:51").

⁶⁵ Email from Alda Monsen (March 22, 2016).

⁶⁶ Email from Pat Burris (March 22, 2016).

⁶⁷ Email from Leah Chandler (March 22, 2016).

Multiple computers should be provided in order to accommodate research, online filing, and access to forms concurrently by multiple users. “Standardized court forms are the linchpin to successful self-represented litigant (SRL) services, aiding SRLs, court staff, attorneys, and judges.”⁶⁸ As the Court continues to provide online resources, the law libraries and Pro Se Centers should provide computers to access these resources.

B. Law Libraries Already Have Access to Electronic and Print Research, Including Some Pro Se Specific Research Materials

Historically the law libraries are the “Judges’ Libraries.” Therefore, they have always tailored their respective budgets primarily to the needs of the judiciary and not necessarily to the public. However, a law library (or any library) is a resource center because of its very nature—an area used solely for the enrichment of the user. Indeed, the law libraries already provide much of the materials that will be needed to implement Pro Se Centers because, fortunately, “the services provided by public law libraries and self-help centers are not wholly exclusive to one another; instead they are often complementary.”⁶⁹

1. Electronic resources

The law libraries already provide a wide selection of materials—both basic and specialized—for their clientele regardless of their level of legal understanding.

⁶⁸ *Forms*, SELF-REPRESENTED LITIGATION NETWORK, <http://www.srln.org/taxonomy/term/242?page=1> (last visited Apr. 6, 2016).

⁶⁹ *Building the 21st Century Legal Resource Center*, *supra* note 61, at 13.

The law libraries online databases offer LexisNexis, Westlaw, and Ebscohost's "Legal Information Reference Center."⁷⁰ Currently, the New Castle County law library offers the online databases to users from two computer terminals, while Kent and Sussex libraries both have three terminals with online access to these subscriptions.

2. Print resources

The law libraries provide print materials for attorneys and laypersons alike such as Atlantic Digest, Atlantic Reporter, Delaware Code (West and Lexis editions), American Jurisprudence, American Law Reports, USCS, Black's Law Dictionary, NOLO Print Publications,⁷¹ periodicals, and a large and thorough collection of text and treatises that are maintained for current and archival purposes.⁷²

With the addition of Pro Se Centers into the law library spaces, printed materials will have to be reduced to align to new spacing and budgetary restrictions.⁷³ However, it will be important for the law libraries to retain and/or

⁷⁰ This is an online database with 250 NOLO "how-to" E-Books, such as *Understanding Divorce* and *Neighbors and Property Rights*.

⁷¹ NOLO publishes legal self-help treatises.

⁷² All full listing of law library materials can be found on the Court's Intranet. <http://judicial.state.de.us/lawlibrary/index.htm>.

⁷³ *Building the 21st Century Legal Resource Center*, *supra* note 61, at 4.

maintain their book collections as much as reductions allow for both attorneys and pro se usage for several reasons:

Law Libraries often fill the gaps in services to self-represented litigants. This happens in two ways. First, self-help centers and other programs often have program limitations. For example, they may screen by income and only serve the poor, or they may only serve a particular demographic, such as the elderly, or they may focus on a particular area of law, such as family law. Law libraries serve those self-represented litigants who have no place else to go. Second, law libraries provide a wide range of resources that can't be duplicated at other agencies, such as public computers, copiers, printers, fax machine, scanners, and people help them use these resources.⁷⁴

Simply stated, the importance of having a wide range of readily accessible information on a variety of legal topics cannot be undervalued.

Reducing print resources solely to online resources, while cost effective and space efficient, has its limitations with pro se services because:

The persons who typically make up the self-represented population are more likely to be tech-challenged, and may not have the sophistication on how to use electronic resources to find the information that they need. Indeed, there is often a steep learning curve for members of the public who come to law libraries to access their computer and online resources.⁷⁵

⁷⁴ LAW LIBRARIANS WORKING GROUP OF THE SELF-REPRESENTED LITIGATION NETWORK, *Library Self-Help Programs and Services*, SELF-REPRESENTED LITIGATION NETWORK, 10 (Apr. 2014), <https://docs.google.com/document/d/10bDedXwVATCBidYfS-IQJVXVsPh7ENjcrnaETsnJSXg/edit?pref=2&pli=1>.

⁷⁵ *Building the 21st Century Legal Resource Center*, *supra* note 61, at 26 (footnote omitted).

The law librarians note that many pro se litigants, like the elderly, possess little, if any, online skills such as how to click with a mouse or use the back button. These patrons feel more comfortable with the books rather than online services.

In conclusion, the importance of keeping and maintaining a variety of legal resources, both online *and* in hard copy, will be an important aspect of the Pro Se Centers planning and implementation process.

IV. INVESTMENTS NEEDED FOR PRO SE CENTERS IN LAW LIBRARIES

A. Likely Investments Needed

1. Additional staffing in each Pro Se Center

Currently, the law libraries are staffed by the law librarians. One of the requirements for a self-help center is a “[w]ell-trained, dedicated, and well-managed staff.”⁷⁶ Assuming the Pro Se Centers provide pro se services across the Delaware courts, which the Subcommittee recommends, a single staff person is unlikely to be sufficient.⁷⁷ *New York’s Best Practices* provide that “[n]o Help Center should be staffed with only one employee.”⁷⁸ There are a variety of solutions to this staffing issue.

⁷⁶ *Module 2: Establishing and Operating a Court-Based Self-Help Center*, *supra* note 9, at 31.

⁷⁷ *See supra* at 6.

⁷⁸ *NY’s Best Practices*, *supra* note 14, at 17.

First, the Court could authorize the Pro Se Centers to hire new employees. Although this is perhaps ideal, the Subcommittee realizes this is likely not practical given budgetary constraints.

Second, given that the Pro Se Centers should free up some court resources devoted to dealing with pro se litigants, one possibility is staffing the Pro Se Centers from existing staff from the Court of Chancery, Superior Court, the Court of Common Pleas, Justice of the Peace Courts, and the Family Court in Kent and Sussex Counties. Particularly if the Pro Se Centers offer the ability to file and are staffed to assist patrons with forms and other pleadings, the courts may have the ability to reduce staff. The Family Court already diverts substantial resources to its own existing self-help center, and thus should not, at least initially, be included in this rotation unless the Family Court's self-help centers are folded into the Pro Se Centers. As each of the courts moves on to the same e-filing platform, staff from one court will have an easier time with filings in a separate court than they would. Cross-training on the various courts rules will be necessary. For the most common filings with each court, instructions should be developed so that rejected filings are uncommon.

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.

The use of employees from various courts to staff a Pro Se Center is an issue best addressed in careful consultation with the administration of each court given the labor and contractual issues involved. The rotation of employees from each court would necessarily involve merit and non-merit employees, exempt and non-exempt employees and, in some instances, employees who are members of different unions. Some employees, through their job posting and offer letters may be contracted to work at a certain location or perform specific job functions, which may not be compatible with duties assigned in the Pro Se Center. Staffing needs will have to be carefully addressed by court administration, taking into account all of these features that are unique to each court.

Third, if it becomes impractical to navigate these employment and contract issues to permit court employees to physically rotate through the Pro Se Centers, one solution might be to provide some modest increase in hiring for each of the Pro Se Centers based on the expected number of patrons and supplement this with virtual assistance via a video conferencing by court staff. In such situations, the court employee would physically remain at his or her regular court, but be “on call” to virtually assist at the Pro Se Center.

An additional opportunity for staffing may be through the use of volunteers. Volunteers can be recruited from law schools and colleges, civic groups, or bar or paralegal associations.⁷⁹ Of course, a program would have to be developed to train volunteers.

2. Drafting of protocol to govern triaging of pro se litigants and conduct of Staff in Pro Se Centers

One of the most critical investments needed prior to opening a self-help center is the drafting of a written protocol governing how it will function. It is important that a written protocol is in place so that the Pro Se Centers’ patrons receive the assistance they need in an efficient and fair manner. SRLN reports that all pro se centers have some sort of triaging⁸⁰ process, and it has concluded that

⁷⁹ *Module 2: Establishing and Operating a Court-Based Self-Help Center, supra* note 9, at Slide 52.

⁸⁰ The literature regarding pro se litigation recognizes that there are two types of “triage” systems relevant to pro se litigants: “one dealing with how a court will handle a case and one

triaging works best when there are formal protocols in place.⁸¹

Any protocol should be a multi-step process, which begins with an initial assessment.⁸² “Initial assessments are increasingly being seen as critical to effective delivery of services. Such assessments and associated referrals make sure that litigants are obtaining services and assistance appropriate”⁸³ This enables the Pro Se Center to make an informed judgment about how to best help the patron. For example, answers to an initial assessment could lead to a referral to the Delaware Community Legal Aid Society. Conversely, if there is not an appropriate referral for the matter, the initial assessment will help the Pro Se Center Staff better understand how to direct the pro se litigant to available self-help resources.

The drafters of the written protocol and the initial assessment should coordinate with organizations providing free or reduced-rate legal services so as to develop strategies for identifying appropriate referrals to those organizations. A written protocol will help make the assessment and referral process efficient,

dealing with how litigants will obtain the services they need to interact with the court and other players.” Richard Zorza, *The Access to Justice “Sorting Hat”: Towards A System of Triage and Intake That Maximizes Access and Outcomes*, 89 Denv. U. L. Rev. 859, 861 (2012). Our discussion of “triage” refers to the latter category.

⁸¹ *Module 2: Establishing and Operating a Court-Based Self-Help Center*, *supra* note 9, at Slide 46.

⁸² *SRLN’s Best Practices*, *supra* note 4, at 35.

⁸³ *Id.*

effective, and uniformly applied regardless of the Staff person a pro se litigant sees when visiting the Pro Se Center. Additionally, “[t]his assessment function can substantially improve referrals to pro bono and lawyer referral attorneys, and improve participation and satisfaction by counsel who have received pre-screened cases.”⁸⁴

The written guidelines should also address the conduct of the Staff of the Pro Se Centers. As previously discussed, the Staff must avoid language that implies a representation of the pro se litigant, and they must limit their guidance to information and education rather than legal advice.⁸⁵ Written guidelines will help remind Staff of the bounds of their assistance and reduce the risk of misunderstandings by the pro se litigants.

The written protocols will of course be dictated by the services offered. If the Pro Se Centers expand their offerings over time, the written protocols will need to be updated.

3. Signage in all three counties (in English and Spanish)

In conducting research for this report, members of the Subcommittee visited self-help centers in Maryland. Similar to many pro se litigants, the Subcommittee members were walking into unfamiliar spaces. Although they knew there were self-help centers in the courthouses they were visiting, they did not know their

⁸⁴ *Id.* at 69.

⁸⁵ *See supra* at 19.

exact location. These Subcommittee members quickly concluded that signage, in both English and Spanish, is critical to a successful program.

There is little welcoming about entering a modern courthouse. Members of the public enter through lines and must be processed through metal detectors. They exit security into an unfamiliar space. Furthermore, they are there in need of a self-help center because they have a problem that is likely very serious to them. All of these factors combine to create a sense of discomfort. While little can be done to prevent the need for security or the discomfort often inherent to being a party to a legal dispute, a friendly staff at the courthouse help desk and good signage directing pro se litigants to the Pro Se Center helps to make the process no more uncomfortable than necessary. Furthermore, it reduces the risk that the pro se litigant will simply give up on visiting the pro se center because it is hard to find.⁸⁶

Once a pro se litigant arrives at the Pro Se Center, there should be additional signage directing that person to the helpdesk, the area for hard copy forms, computers dedicated to pro se services, and any other pro se services the library is offering, such as lawyer-in-the library services.

In addition to English, the signage in the courthouses and in the pro se center itself should also be in both English and Spanish. “The 2010 United States Census

⁸⁶ Signage will be particularly important in Kent County as the law library is far from the entrance of the courthouse.

revealed that Delaware’s Hispanic or Latino population makes up 8.2 percent of Delaware’s total population.”⁸⁷ Furthermore, nearly 50,000 Delawareans aged five or older speak Spanish at home.⁸⁸ Based on research done by the Administrative Office of the Courts, “Spanish is, by far, the predominant language of [limited-English-proficient] individuals accessing the Delaware courts.”⁸⁹ Therefore, signage directing patrons to the Pro Se Center, as well as signage in the Pro Se Center, should be in Spanish as well as English.

4. Updating layout of Law Library spaces

The existing layouts of the law libraries will need to be updated to suit the functions of a Pro Se Center because the physical design of a traditional law library is fundamentally different due to the differences in patron needs.⁹⁰ As Richard Zorza explains: “Law Libraries will ... need to re-configure their space to meet the needs of different constituencies. Space will need to provide security, underscore the limited, non-private relationship between patrons and Staff, and support access to the technology critical to the fulfillment of the vision.”⁹¹

⁸⁷ Maria Perez-Chambers & Ashley Tucker, “Delaware’s Successful Strides Toward Language Access in the Courts,” *Future Trends in State Courts*, NATIONAL CENTER FOR STATE COURTS, 34 (2012), http://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/Courts-and-the-Community/~/_media/Microsites/Files/Future%20Trends%202012/PDFs/DESUCCESSFULSTRIDES_Perez-Chambers.ashx.

⁸⁸ *Id.*

⁸⁹ *Id.* at 35.

⁹⁰ Zorza, *supra* note 54, at 27.

⁹¹ *Id.* at 2.

One of the most important components of the Pro Se Centers that needs to be addressed for both Staff and patrons is security. In the past, security issues have arisen in all of the law libraries. Many people who utilize the law libraries have criminal backgrounds that vary from misdemeanors to serious felonies and that will likely continue if not increase once the Pro Se Centers open. For the safety of Staff and patrons, security personnel may have to be a visible, but a “non-obtrusive” presence, whether stationed inside the center or by doing frequent checks through the center.⁹² Cameras and additional panic buttons may be warranted.⁹³ The layout of the law library may address some of the visual concerns such as lowered shelving, glass front doors, and glass conference/interview rooms with the purpose of increasing visibility for the safety of both patrons and Staff.⁹⁴

The Pro Se Centers should be redesigned not only to ensure security of the Staff and patrons, but also to include an open flexible floor plan that can easily be changed to fit the evolving needs of its clientele. Some ideal requirements for the centers are 1) space for quiet research, which would include books, computers, and

⁹² SELF-REPRESENTED LITIGATION NETWORK, *Module 3: Designing and Modifying Physical Space for Access*, in COURT LEADERSHIP AND SELF-REPRESENTED LITIGATION: SOLUTIONS FOR ACCESS, EFFECTIVENESS, AND EFFICIENCY, Slide 29 (Richard Zorza ed., 2008), <https://drive.google.com/file/d/0B-vVAXIirwl5bkxwM05ZQmpKc28/view>.

⁹³ The Kent County Law Library is the only library with existing cameras. All three locations have panic buttons, but more will be needed. Their locations will be dictated by the changes to layout.

⁹⁴ Zorza, *supra* note 54, at 30.

desks or table for document review; 2) interactive space for patrons to be triaged, seek assistance, and request procedural information and forms; 3) a small conference room for one-on-one meetings with attorneys or service providers; and 4) a second conference room (larger than the first) that can host legal and informational clinics to small groups.⁹⁵ Additionally, the design should reflect the message of non-confidentiality. Simply put, “[t]he message of non-confidentiality must be reinforced by an open space design that creates no expectation of privacy. Thus spaces must be open, and while sound must be suppressed, this should be seen as a matter of convenience, not of right.”⁹⁶ Patrons must understand that there is no expectation of a private relationship with Staff members. Conversely, the office for conferences with counsel should have sound-proofing for confidential communications.

Depending on budgetary constraints, some space needs may be met by existing space in other parts of the courthouse. For example, conference rooms in other parts of the courthouses might be used for programs rather than designing the Pro Se Centers to include large conference rooms.

The SRLN offers valuable insight into the creation of a self-help center within a small space. Ideally, it would need the following: 1) ability to admit the

⁹⁵ *Building the 21st Century Legal Resource Center*, *supra* note 61, at 4.

⁹⁶ *Zorza*, *supra* note 54, at 30.

public in manageable numbers; 2) flexible use of space (e.g. an open room that can be used to assist multiple individuals separately or for conducting classes); 3) lightweight tables and chairs for reconfiguring space as needs change, easy to move partitions, furniture on wheels, with tables of the same height so they can be combined; 4) use of Wi-Fi for connecting computers for flexibility; and 5) one clear wall space for projector purposes for class instruction.⁹⁷

The Sussex Law Library received a rough cost estimate for converting its existing space into a functional Pro Se Center with the goals identified above, in order to provide the Subcommittee an idea of what renovations might cost.⁹⁸ The back portion of the Sussex Law Library could be converted fully into three rooms, all visible by windows. These three offices can be utilized as follows: one small separate office for a court interpreter,⁹⁹ and two medium sized offices/conference rooms. These two conference rooms can be used for “Lawyer in the Library”

⁹⁷ *Module 3: Designing and Modifying Physical Space for Access*, *supra* note 90, at 9.

⁹⁸ Rough estimate of what will be needed to establish a functioning layout and the expected pricing for the amount of work it may require established through discussions between Law Librarian, Leah Chandler and Sussex’s Facilities Management Superintendent, Donald Gerardi on 3/24/2016.

⁹⁹ Jason C. Jowers, Leah Chandler, and Pat Burris visited a self-help center in Annapolis, Maryland, during which it was noted that a court Interpreter had a desk at the law library/self-help center and it was beneficial for the self-help center’s language needs. Furthermore, Jennifer Figueira, Delaware’s Interpreter Program Coordinator, stated the below: “Interpreters need a private space to prepare for trials, interpret over the phone, store valuable equipment, and in the future, these rooms could be used as Video Remote Interpreting work-stations to provide services to courts throughout the state. Having these offices located in the law library is practical and efficient because usually the Limited Legal Assistance Program and other pro-se litigant help services takes place there, and interpreters could be located quickly for assistance.” Email from Jennifer Figueira (March 24, 2016).

programs, and then converted into one large conference room through the use of a bi-folding door for larger legal clinics/seminars. All three offices will have separate windows for visibility. The existing furniture and shelving in the Sussex law library can all be utilized or repurposed to save costs. The shelving can be cut down to approximately chest high to maintain visibility in the law library, while still being functional for law library books and materials that are frequently requested by the bench, bar, and general public.¹⁰⁰ The initial rough estimate costs for construction is between \$60,000 to \$70,000 thousand. This included the new walls, windows¹⁰¹ for the new offices, HVAC reconstructing in the three rooms,¹⁰² and video cameras.¹⁰³

A more definite cost estimate can be established for all three libraries through further conversations and quotes with facilities management and other relevant agencies in the future. It is the Subcommittee's understanding that the

¹⁰⁰ The costs of cutting the shelving may be done for free in-house, or may have to be outsourced for precision cutting. The general quote for the shelving is \$1,000 to \$2,000 if outsourced.

¹⁰¹ Bullet proofed glass is a safety feature that the courts may want to consider for the offices. Bullet proofed glass was factored into this general quote.

¹⁰² HVAC reconstructing to get the offices up to state and federal regulations with heating/cooling and water sprinkler systems is expected to be the most expensive part of the project. This was estimated into the general quote.

¹⁰³ Updating video cameras was estimated to be between \$3,000 to \$5,000 per library. This amount was factored into the general quote.

New Castle County Law Library might be moved. If it is moved, the design of the new space should account for the needs of a Pro Se Center.

To summarize, the newly remodeled law library/self-help center(s) floor plan should support a visible information desk for triage, open areas for patron seating, conference rooms for limited privacy, quiet areas conducive to studying and writing, multiple computer workstations, and private offices for administrative functions.

5. Updated technology, additional computers, and expansion of Westlaw contract

a. Updated technology

Providing the Pro Se Centers with updated technology will be vital to its core function. So fundamental to access to justice is technology that the Washington State Access to Justice Committee stated:

Access to a just result requires access to the justice system. Use of technology in the justice system should serve to promote equal access to justice and to promote the opportunity for equal participation in the justice system for all. Introduction of technology or changes in the use of technology must not reduce access or participation and, whenever possible, shall advance such access and participation.¹⁰⁴

While technology is recognized as a key component of a self-help center, what exactly does this include? *New York's Best Practices* maintain that:

¹⁰⁴ AMERICAN ASSOCIATION OF LAW LIBRARIES SPECIAL COMMITTEE ON ACCESS TO JUSTICE, *supra* note 52, at 16.

[T]he Help Center should be outfitted with the following equipment and technology:

1. Outside and long distance phone service.
2. Access to high speed internet.
3. Access to legal research online services.
4. Access to case management information and any digitized court records.
5. Access to any electronic filing.
6. Access to intake database.
7. Staff Access to social media sites and webpages, if utilized by the Help Center.
8. Fax machines.
9. Photocopy machines.
10. Black and white printers as needed and a color printer for printing eye-catching promotional flyers.
11. Scanners and digital senders.
12. Technology and software needed for remote services, such as desktop sharing or computer cameras for face time.
13. Audio visual equipment to record speakers and save for replays.
14. Wi-Fi and charging stations.
15. Laptop, projector and screen for presentations.
16. Computers and work stations for document assembly programs and free internet.
17. Assistive technology for litigants with disabilities.¹⁰⁵

The Delaware Pro Se Centers should strive to incorporate these technology principals and resources into its new foundation. The Law Libraries are equipped with much of what is needed for a self-help center, including the ability to access

¹⁰⁵ *NY's Best Practices*, *supra* note 14, at 27.

internet and research online services, case management information through the Courts' online operating procedures and digitized court opinions and orders, State-Guest-Net wi-fi, copiers, scanners and fax machines. Online Court e-filing is also available through the public-accessed website of the Delaware Courts.

b. Additional computers

As more information is being offered through electronic resources, and courts are encouraging litigants to utilize online services such as e-filing, the more crucial it is for the center to provide additional computers. Having an adequate amount of computer terminals is important because “more litigants . . . can be served simultaneously The number of terminals depends on Help Center traffic and available space.”¹⁰⁶ Currently, New Castle Law Library has two patron computers; Kent County and Sussex County Libraries both have three terminals each for public usage. The libraries estimate that a total of four to six terminals per center will be needed initially for litigants; this number can be increased if needed in the future.¹⁰⁷ Also, the purchasing of some additional computers and monitors will be necessary for the Staff and visiting attorneys' desks and/or workstations. In order to assist litigants, all patron computers should have access to internet services, court websites for forms and information, e-filing services, and court records, and some patron computers will need legal databases such as Westlaw

¹⁰⁶ *Id.* at 26.

¹⁰⁷ Computers (with monitor, keyboard & mouse) are priced under state contract at \$990.00.

and/or LexisNexis.¹⁰⁸ Other considerations for the computer configurations include: 1) having the program default back to the homepage after each session; 2) the use of timers so a litigant is automatically logged out after a period of inactivity; and 3) disability assistance by use of special keyboards and monitors.¹⁰⁹

With the expansion of the technology in the Pro Se Centers also brings an inherent increase in technical problems. Having responsive technicians and/or Staff to install, inspect, and trouble shoot technical problems as they arise is a necessity. Computers and printers should be located in an area within sight of Staff so that litigants can easily be assisted with technical issues.¹¹⁰ Daily, Staff should check printers, clear paper jams, and inspect computers, monitors, and headphones to ensure they are working properly. Signage should be posted explaining to whom to report any computer issues.¹¹¹

c. Expansion of Westlaw/LexisNexis contract

Each of the law libraries has individual accounts for LexisNexis and Westlaw; these vary on content and pricing by county.¹¹² Significantly, unlike

¹⁰⁸ The additional Westlaw fee will be approximately \$600- \$1,500 per terminal, per month.

¹⁰⁹ *NY's Best Practices*, *supra* note 14, at 25.

¹¹⁰ *Id.*

¹¹¹ *Id.* at 23.

¹¹² These contracts also incorporate books into the total costs as “package” deals. Most of the law libraries annual budget is allocated towards these combined print and online contracts. No cancelations or reductions can be made while in a contract cycle. Standard contract terms are 1-3 years.

other contracts offered by LexisNexis and Westlaw, these contracts are not billed on a transactional or time of usage model; there is a flat annual fee that increases every year. Currently, these services are offered on three terminals in Kent and two terminals in both Sussex and New Castle County. These contracts *may* need to be expanded to encompass some of the additional terminals; however not all of the new terminals may require access to those databases since litigants will come to the center for differing reasons. Perhaps three to four terminals can initially offer Westlaw and/ or LexisNexis, while other terminals may offer E-Filing services, document preparation, and/or records access options.

The expansion of the Westlaw /LexisNexis contracts should be based on patron volume and demand in the individual counties. Although access to these databases are important for certain matters, pro se litigants will often be better served by, topic-specific treatises or guides, particularly those geared toward pro se litigants. Accordingly, it will be important to track usage and only expand Westlaw and/or LexisNexis contracts based on an identifiable need. Importantly, the amount of terminals with Westlaw and/or LexisNexis can be increased or decreases yearly according to patron demand.

6. Revisions to commonly used forms and instructions to make them easier to understand and sample forms

The revision of commonly used forms and instructions is unlikely to require a fiscal investment, but will likely require a significant time investment on the part

of court staff and members of the bar. According to the Center on Court Access to Justice for All, any program intended to assist self-represented litigants must begin with the critical component of user-friendly court forms. The provision of easy to use and understand forms is often the initial point of breaking down barriers to access to justice. Through the use of a well-designed form, Staff will spend less time answering questions, judges will have the necessary information to make a well-informed decision, and the opposing side will become aware of the issues at play. The Center on Court Access to Justice for All suggests beginning form revision with the forms that are most often needed and utilized by self-represented litigants in each court. Additionally, the Center suggests that input and constructive criticism from a wide audience is essential during the revision process. Finally, ongoing review is essential because some usability problems do not surface until the forms are released and used on a regular basis.¹¹³

In addition to form revisions, instructions regarding the completion of forms are also critical according to the Center on Court Access to Justice for All.¹¹⁴ Currently, the Family Court of the State of Delaware provides an excellent example of instructional materials that explain not only how to complete their most widely-used forms, but also what to expect throughout the court process in

¹¹³ Deborah Saunders, Richard Zorza, and Pamela Casey, *Access Brief: Forms and Document Assembly*, NATIONAL CENTER FOR STATE COURTS, at 2 (Dec. 2012), <http://ncsc.contentdm.oclc.org/cdm/singleitem/collection/accessfair/id/264/rec/5>.

¹¹⁴ *Id.*

different types of cases. It would be ideal if all courts provided this type of instructional material for the most commonly used forms, which could then be used in the Pro Se Centers. By providing self-represented litigants with this level of instruction, litigants are able to complete much of the filing process on their own, freeing up Staff to answer more complex questions.

Finally, when revising forms and instructional materials, literacy and capacity must be considered. Expertise in plain language should be sought in revising forms and instructions. This level of expertise may come from any number of sources, including the National Center for State Courts or the Self-Represented Litigation Network. Understanding not only literacy, but also capacity concerns for self-represented litigants is essential in ensuring that access to justice is available for all. Even if a litigant can read above a third-grade level, that does not necessarily ensure that they can understand a complex legal process, particularly one with multiple options and outcomes. For the reasons discussed above, instructions for commonly used forms should be available in English and Spanish.¹¹⁵ Working toward clear communication between the justice system and self-represented litigants breaks down another barrier to access for those seeking assistance in a pro se center.¹¹⁶

¹¹⁵ See *supra* at 25-26 (discussing the Spanish-speaking population in Delaware).

¹¹⁶ Katherine Alteneider, *Literacy and the Courts*, 24 Alaska Just. Forum 1 (Summer 2007), available at <http://justice.uaa.alaska.edu/forum/24/2summer2007/242.summer2007.pdf>.

7. Purchasing of additional resource material geared toward pro se litigants

a. Office Supplies

Some additional purchases may be necessary in order for the Pro Se Center to operate at an optimal level. Basic office supplies will be necessary, such as pens, paper pads, printer paper, clipboards, hand sanitizer dispensers, and headsets to reduce computer noise.¹¹⁷

b. Furniture

An important component of the Pro Se Centers will be the furniture. Plenty of seating and work space will be needed to accommodate the additional patrons, Staff, and attorneys/volunteers. Furniture purchases should include desks, computer stations, tables, chairs, filing cabinets and other storage units, and display racks for free written materials. The exact selections will depend on the design and layout of the Pro Se Centers. Furniture should be able to accommodate litigants with disabilities. Finally, furniture should be purchased in materials unattractive to bed bug infestation.¹¹⁸

Through the downsizing of book subscriptions and other printed resources, the law libraries can potentially assume the costs of the furniture and the assorted

¹¹⁷ *NY's Best Practices*, *supra* note 14, at 24.

¹¹⁸ *Id.* Bed bug infestation is a rampant problem in Delaware public libraries. Microbial furniture is recommended.

supplies that opening Pro Se Centers may entail.¹¹⁹ If needed, the law libraries can offer only one online database such as Westlaw or LexisNexis from computer terminals, instead of both, in order to facilitate necessary funding for purchases.¹²⁰

c. Additional Items

Additional items that the Pro Se Centers may need are toys and/or coloring books for children, change machines (for fees associated with printing, faxing, scanning and e-filing services), projectors,¹²¹ projector screen,¹²² recording devices for Webinars, an electronic people counter to track visitor traffic,¹²³ movable podium for guest speaker.¹²⁴

8. Development of a Pro Se Centers' website

The Pro Se Centers should have a website. This website could be established under the Citizens Help webpage and/or the Law Library's webpage. The Self-Represented Litigation Network points out that, “[w]ell-designed and comprehensive self-help websites are highly effective in providing the

¹¹⁹ Estimated \$10,000- \$20,000 for furniture and office supplies expenses based off of Sussex law library's renovations in 2008.

¹²⁰ The cancelation of LexisNexis would save an estimated \$14,000 a year.

¹²¹ Estimated cost is \$360.00 from JIC.

¹²² Estimated cost is \$70.00 from JIC.

¹²³ SenSource is utilized by public libraries in Delaware to electronically track patrons. Costs of installation vary based off of size and requirements of the library.

¹²⁴ *Id.* at 27.

informational component of access to justice. After significant initial development costs, they can distribute information widely with little maintenance.”¹²⁵

It is important to note that while the courts have access to most of what is required to make a robust Pro Se Center website, it will be a time intensive endeavor that requires the collaboration of various resources and agencies as illustrated by the above comments. It may be beneficial to partner with the Delaware Bar Association, Legal Aid Society, or request funding through various grants to mitigate costs. “The People’s Law Library” is an excellent example of an award-winning online self-help center that was established through the Maryland Law Library and its collective partnerships.¹²⁶

In considering the design of the website, the “Technology Principles” developed by American Association of Law Libraries Special Committee suggest the following:

1. Create research guides and pathfinders that take into consideration the principles to make sure the documents are written in plain language, understandable at the fifth grade reading level.
2. Use clear and concise descriptions, incorporate lots of white space, use appropriate graphics, etc.
3. Design pages on library websites that are clearly accessible to the public. Review the pages so that library jargon and legalese do not

¹²⁵ *Building the 21st Century Legal Resource Center*, *supra* note 61, at 15.

¹²⁶ Maryland’s “People’s Law Library” <http://www.peoples-law.org/about-us>. Contributors listing for PPL available at <http://www.peoples-law.org/contributors>.

provide barriers to the public. Arrange information by subject or function. Arrangement by jurisdiction is confusing. The patron just wants information on how to file for a divorce or how to file for bankruptcy.

4. Create more research guides or pathfinders on small, discrete topics, i.e., how to file a witness list or how to do service of process, rather than one encompassing guide on court procedures from beginning to end.

5. Alert administrators to the Principles and encourage their application when creating new procedures within the courts, law schools, etc. or when purchasing software that will be used by the public, including court software for accessing court dockets or e-filing.¹²⁷

B. Possible Investments Needed Depending on Services Offered

1. Renovations to have office space where lawyer could meet with pro se litigants

Although renovations to the libraries are covered generally in Section IV.A.4. above, if the Pro Se Centers are to offer a lawyer-in-the-library program providing limited legal representation, each library should have an office or conference room space that may be used by counsel during consultations. Glass walls would address security and safety issues while also providing the confidentiality necessary for even a limited attorney-client relationship.

¹²⁷ AMERICAN ASSOCIATION OF LAW LIBRARIES SPECIAL COMMITTEE ON ACCESS TO JUSTICE, *supra* note 52, at 17.

2. Work stations for Staff and/or interpreter

The following chart identifies the number of employee computer workstations that currently exist at each of the law libraries:

Law Library	Current Number of Employee Computer Workstations	Space for More?
New Castle County	2	Yes
Kent County	2	Yes
Sussex County	1	Yes

Depending on the decisions that are made regarding services offered and the additional staffing flowing from those decisions, it is possible that additional computers and workstations may need to be added to accommodate the increased members of the Staff.

3. Additional staffing to support interpreter services

The Pro Se Center in the law library will require additional investments and funds regarding interpreters depending on the range and scope of services the Pro Se Center ultimately provides. Such investments will include funds related to the building and furnishing of an office for the interpreter, compensation of the interpreters, investments in multilingual websites, signs, forms, audio/video materials, and “I Speak” cards, and potentially contracting with Language Line for services.

Jennifer Figueira (Jennifer.Figueira@state.de.us; 302-255-0166) is the Court Interpreter Program Coordinator for the Administrative Office of the Courts. It

will be necessary to engage her assistance in developing the role and services provided by the interpreters in the Pro Se Centers.

Language Line (the service recommended by the New York State Courts) can be contacted at (800) 752-6096 or <http://www.languageline.com/contact-us/>. Their services include translation and interpreting by phone or video conferencing. This resource could be used for such languages or times where the Pro Se Center does not have an interpreter readily accessible.

4. Possible investments relating to lawyer-in-the-library program (possible revisions to Delaware Lawyers’ Rules of Professional Conduct, malpractice insurance)

a. Revisions to Delaware Lawyers’ Rules of Professional Conduct

If the Pro Se Centers are to host programs providing limited legal representation, the Subcommittee believes that certain revisions likely will need to be made to the Delaware Lawyers’ Rules of Professional Conduct. The Subcommittee continues to research this area. However, the Subcommittee wishes to highlight certain revisions that may need to be considered.

i. Limited scope representation-generally

A Delaware lawyer may provide limited scope representation to a client if the limitation is reasonable and if the client gives informed consent.¹²⁸ Comment 7 to Rule 1.2(c) further describes reasonable limitations: “Although this Rule affords

¹²⁸ Del. Lawyers’ Rules of Prof’l Conduct R. 1.2(c) [hereinafter referred to as “Rule 1.2(c)”].

the lawyer and client substantial latitude to limit the representation, the limitation must be reasonable under the circumstances.”¹²⁹ The scope of the representation may be expanded at the request of the Court or if the client’s circumstances warrant an expansion.¹³⁰

Rule 1.2(c) does not currently require informed consent in a limited scope representation to be in writing and does not describe what constitutes “informed consent.”¹³¹ Other jurisdictions have addressed these deficiencies through ethics opinions, court rules and rules of professional responsibility. In 2010, the Bench Bar Committee on Limited Scope Representation (the “Bench Bar Committee”) completed its work and presented recommended changes to the Delaware Rules of Professional Conduct to then-Chief Justice Myron Steele.¹³² The recommendations in the Bench Bar Report included proposed amendments to Rule 1.2 and its comments to clarify the expectations of the bar in limited scope representations. The recommendations were ultimately not adopted by the Court in 2010.

The Bench Bar Committee recommended an amendment to Rule 1.2(c) to require informed consent for limited scope representation to be in writing signed

¹²⁹ Del. Lawyers’ Rules of Prof’l Conduct R. 1.2, cmt. 7.

¹³⁰ Del. Ethics Op. 2006-1.

¹³¹ Del. Lawyers’ Rules of Prof’l Conduct R. 1.2(c).

¹³² A copy of the 2010 Report of the Bench Bar Committee on Limited Scope Representation is attached to this report as Exhibit A.

by the client.¹³³ Not every jurisdiction requires the limitation to be in writing. Some jurisdictions, for example Maine, require consent after a consultation.¹³⁴ Although Maine does not require consent to a limited scope representation in writing, attachment A to the Maine Rule of Professional Conduct 1.2(c) provides a form for written consent to limited scope representation, which specifically identifies services the client is authorizing the lawyer to perform.¹³⁵ The Bench Bar Committee also recommended the addition of a sample limited representation agreement.¹³⁶

This Subcommittee is considering whether to renew the recommendation of the Bench Bar Committee to amend Rule 1.2(c) to require informed consent in writing and for a sample limited scope informed consent document to be included in the forms section of the Rules. This Subcommittee is also considering the restriction on limited scope representation in contingent fee cases recommended by the Bench Bar Committee.

ii. Limited scope representation before the tribunals

The Delaware Family Court Rules of Civil Procedure address limited scope representation by requiring written entries of appearance for each matter for which

¹³³ See Ex. A.

¹³⁴ Maine Rules of Prof'l Conduct R. 1.2(c).

¹³⁵ A copy of Attachment A to the Maine Rule of Professional Conduct 1.2(c) is attached hereto as Exhibit B.

¹³⁶ See Ex. A.

the attorney will represent the client.¹³⁷ Other states have adopted similar procedural rules for providing notice to the Court of the limited scope of the lawyer's representation. Some states, like Delaware, require simple notice. Other jurisdictions require more specificity. For example, the Eighth Judicial District Court of the State of Nevada requires an attorney to disclose the limited nature of the attorney's representation in the first paragraph of the first paper or pleading filed and to notify the Court of the limited scope of the representation at the outset of any hearing.¹³⁸

The Bench Bar Committee recommended a new comment to Rule 1.2 to permit lawyers to enter limited appearances in the other Delaware Courts so long as the entry of appearance is accompanied by the client's affidavit of consent. This Subcommittee is considering whether to renew the Bench Bar Committee's recommendation.

iii. Ghostwriting

The most controversial aspect of unbundled legal services is ghostwriting. Ghostwriting is representation for the drafting of documents. Certain states, through rule or ethics opinion, have prohibited ghostwriting.¹³⁹

¹³⁷ Del. Fam. Ct. Civ. R. 5(b).

¹³⁸ Rules of Practice of the Eighth Judicial District Court of the State of Nevada Rule 5.28(a).

¹³⁹ *See, e.g.*, Colorado, Iowa, Kentucky, Maine, Montana, Nevada, Ohio, Pennsylvania, Rhode Island, Virginia.

Some states allow ghostwriting without disclosure.¹⁴⁰ Other states require some disclosure that a pleading or paper filed with a tribunal was prepared with the assistance of counsel.¹⁴¹

The Bench Bar Committee recommended a comment to Rule 1.2 that permitted ghostwriting, among other unbundled services, as a way to make legal services more available and affordable to the public. The proposed comment would permit the courts, by rule, to control whether attorney ghostwriters are required to disclose the representation.¹⁴² This Subcommittee is considering whether to renew the Bench Bar Committee's recommendation.

iv. Conflicts of interest

The limited-scope client is still a client for purposes of Rule 1.7 and a former client for purposes of rule 1.9.¹⁴³ If a Delaware lawyer is performing limited scope services for a nonprofit organization or a Court, Rule 6.5 will relieve some of that burden.¹⁴⁴

¹⁴⁰ See, e.g. Arizona State Bar Ass'n Op. 06-03 (2006).

¹⁴¹ See, e.g., Florida State Bar Ass'n Op. 79-7 (reconsideration 2000) (lawyer is not required to sign pleadings prepared for pro se litigants, but each such pleading must include the statement "Prepared with the Assistance of Counsel"); Oregon Uniform Trial Court Rule 2.010(7) (requires a Certificate of Document Preparation to be filed regarding whether there has been paid assistance from an attorney); West Virginia (permitted except when documents are filed with a tribunal, then identity of attorney must be disclosed).

¹⁴² See Ex. A.

¹⁴³ Del. Lawyers' Rules of Prof'l Conduct R. 1.7, 1.9.

¹⁴⁴ Del. Lawyers' Rules of Prof'l Conduct R. 6.5 ("A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal

v. Communication with clients represented by an attorney for limited matters

The Delaware Lawyers' Rules of Professional Conduct prohibit lawyers from communicating with represented parties.¹⁴⁵ This rule can be difficult to adhere to where an otherwise unrepresented party is receiving ghostwriting assistance from an undisclosed attorney. The ABA recommends that if a lawyer has reason to believe that an unrepresented person on the opposing side has received limited-scope legal services, the lawyer should begin the communication with that person by asking whether that person is or was represented by counsel for any portion of the matter so that the lawyer knows whether to proceed under Rule 4.2 or 4.3 (communicating with unrepresented parties). These precautions are addressed in the comments to the Delaware Rules, but the Subcommittee is considering whether any changes are advisable.

b. Malpractice insurance for limited legal representation programs in the Pro Se Centers

Volunteers for LLAP are currently covered by malpractice insurance provided for by DVLS. If the program expands beyond what is covered by the DVLS policy or the limited legal representation program in the Pro Se Center is

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 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.”).

¹⁴⁵ Del. Lawyers' Rules of Prof'l Conduct R. 4.2.

not sponsored by DVLS, volunteers for this program would have to be covered under their own malpractice insurance, insured by the State, or insured from some other organization sponsoring the pro bono service.

SUPERIOR COURT
OF THE
STATE OF DELAWARE

Mary M. Johnston
Judge

New Castle County Courthouse
500 North King Street, Suite 10400
Wilmington, DE 19801-3733
Telephone (302) 255-0668

November 3, 2010

The Honorable Myron T Steele
Chief Justice
Supreme Court of Delaware
57 The Green
P.O. Box 476
Dover, DE 19903

Dear Chief Justice Steele,

I am happy to report that the Bench Bar Committee on Limited Scope Representation has completed its work. In accordance with Your Honor's request, the Committee reviewed issues that have arisen concerning limited scope representation in Delaware, as well as rules from other jurisdictions. As the result of its review, the Committee has recommended several rule changes which it believes will be useful in clarifying issues that have been of concern to practitioners and the courts with regard to the parameters of limited scope representation. Among the concerns addressed are: "ghost writing", a procedure for the entry and withdrawal of limited scope representation, and ensuring informed client consent to the limited scope representation.

Highlights of draft rule changes include the following recommendations concerning the Delaware Lawyers' Rules of Professional Responsibility:

1. Amend rule 1.2:
 - Amend subsection(c) to clarify that the client's informed consent must be in a writing signed by the client;
 - Add new comment 8 to provide that "ghost-writing" of documents is permissible, unless prohibited by court rule;
 - Add new comment 9 to permit a lawyer to enter a limited appearance if not prohibited by court rules and requiring that an entry of limited appearance be accompanied by the client's affidavit of consent;
 - Add comment 10 to prohibit limited representation in contingent fee cases; and
 - Provide a sample limited representation agreement.

The Honorable Myron T. Steele
Chief Justice
November 3, 2010
Page Two

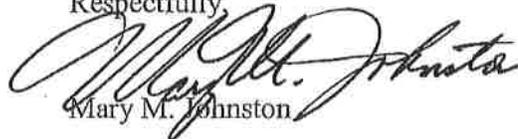
2. Revise Rule 1.5(d) by adding a provision clarifying that limited representation cannot be used in contingent fee cases.

In addition, the Committee recommends the attached model civil court rule on limited scope representation. It was the Committee's thought that the Supreme Court might consider recommending adoption of the model rule by each court. The proposed rule would provide for the entry of a limited appearance and a notice of withdrawal from limited representation. The rule also contains sample forms for the entry of an appearance and for an affidavit of consent by the client to accompany the entry of appearance, as well as for notice of withdrawal of limited representation.

On behalf of the Committee, I would like to thank Your Honor for providing this opportunity for offering input on the practice of limited scope representation in Delaware. The members of the Committee believe that limited scope representation can be a valuable way to provide legal services to those who are not be able to afford a lawyer to represent them for their entire case, but may be able to pay for and benefit from assistance with a part of their case or with certain discrete tasks.

The members of the Committee and I are, of course, available to respond to questions or to make any revisions. I would be happy to forward these materials to the Bar Association or to others from whom the Court may wish to have input.

Respectfully,



Mary M. Johnston

cc: Members of the Bench Bar Committee on Limited Scope Representation (By E-mail)

Attach documents

**BENCH BAR COMMITTEE ON LIMITED SCOPE
REPRESENTATION**

**PROPOSED CHANGES TO THE DELAWARE LAWYERS' RULES
OF PROFESSIONAL CONDUCT**

RULE 1.2

RULE 1.2(c) SCOPE OF REPRESENTATION

(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent in a writing signed by the client.

ADDITIONAL and REVISED COMMENTS:

insert after current Comment [7] and before current Comment [8]

[8] Unbundled legal services are one way to make legal services available and/or affordable to members of the public. For example, rather than retain counsel for representation for a legal matter in its entirety, a client might choose limited representation for certain tasks, such as background consultation; drafting of documents; pre-litigation services, including non-court mandated ADR; and/or limited appearances in court proceedings. The client must give informed consent to the limited scope representation in a signed writing. *See Form B.* To the extent it is not required by applicable court rules, when counsel is not entering an appearance as counsel of record, neither the client nor the lawyer need to disclose that pre-litigation services were provided by counsel to the client. Unless otherwise required by applicable court rules, counsel need not disclose representation limited to the drafting of documents, which sometimes is referred to as "ghost-writing."

[9] *Entry of Limited Appearance in Civil Actions.* – In a civil action a lawyer may enter a limited appearance as counsel to the extent it is not prohibited by applicable court rules. Any entry of limited appearance shall be accompanied by the client's affidavit of consent and contact information.

[10] Limited representation is not permitted in contingent fee cases. *See Rule 1.5(d)(3).*

Amend current Comment [8]

[11] All agreements concerning a lawyer's representation of a client must comply with the Rules of Professional Conduct and other law. See, e.g., Rules 1.1, 1.5, 1.8, 5.5, and 5.6.

Label existing form (Certificate of Compliance) at the end of the Delaware Rules of Professional Conduct as "A".

FORM B

LIMITED REPRESENTATION AGREEMENT

(General Form of agreement)

(Used in conjunction with Rule 1.2(c) the following form shall be sufficient to satisfy the rule. The authorization of this form shall not prevent the use of other forms consistent with this rule.)

To Be Executed in Duplicate

Date: _____, 20 _____

To help you with your legal matters, you, the client, and _____, the lawyer, agree that the lawyer will limit the representation to helping you with a certain legal matter for a short time or for a particular purpose.

The lawyer must act in your best interest and give you competent help. When a lawyer and you agree that the lawyer will provide limited help:

- The lawyer DOES NOT HAVE TO GIVE MORE HELP than the lawyer and you agreed; and
- The lawyer DOES NOT HAVE TO HELP WITH ANY OTHER PART of your legal matter.

While performing the limited legal services, the lawyer:

- Is not promising any particular outcome; and
- Is relying entirely on your disclosure of facts and will not make any independent investigation unless expressly agreed to in writing in this document.

If short-term limited representation is not reasonable, a lawyer may give advice but will also tell you of the need to get more or other legal counsel.

1. I, the lawyer, agree to help you by performing the following limited services listed below

- a. Legal advice: office visits, telephone calls, fax, mail, e-mail;
- b. Advice about availability of alternative means to resolving the dispute, including mediation and arbitration;
- c. Evaluation of client self-analysis of the case and advising client about legal rights and responsibilities;
- d. Guidance and procedural information for filing or serving documents;
- e. Review pleadings and other documents prepared by client;
- f. Suggest documents to be prepared;
- g. Draft pleadings, motions, and other documents;
- h. Factual investigation: contacting witnesses, public record searches, in-depth interview of client;
- i. Assistance with computer support programs;
- j. Legal research and analysis;
- k. Evaluate settlement options;
- l. Discovery: interrogatories, depositions, requests for document production;
- m. Planning for negotiations;
- n. Planning for court appearances;
- o. Standby telephone assistance during negotiations or settlement conferences;
- p. Referring client to expert witnesses, special masters, or other counsel;
- q. Counseling client about an appeal;
- r. Procedural assistance with an appeal and assisting with substantive legal argument in an appeal;
- s. Provide preventive planning and/or schedule legal check-ups;
- t. Other _____

2. The client shall pay the lawyer the listed limited services as follows:

a. Hourly Fee:

The current hourly fee charged by the lawyer or the lawyer's law firm for services under this agreement are as follows:

- i. Lawyer: \$ _____
- ii. Associate: \$ _____
- iii. Paralegal: \$ _____
- iv. Law Clerk: \$ _____

Unless a different fee arrangement is established in clause b. of this paragraph, the hourly fee shall be payable at the time of the service. Time will be charged in increments of one-tenth of an hour, rounded off for each particular activity to the nearest one-tenth of an hour.

b. Payment from Deposit:

For a continuing consulting role, client will pay to the lawyer a deposit of \$ _____, to be received by the lawyer on or before _____, and to be applied against lawyer fees and costs incurred by the client. This amount will be deposited by the lawyer in the lawyer's trust account. The client authorizes the lawyer to withdraw funds from the trust account to pay lawyer fees and costs as they are incurred by the client. The deposit is refundable. If, at the termination of services under this agreement, the total amount incurred by the client for lawyer fees and costs is less than the amount of the deposit, the difference will be refunded to the client. Any balance due shall be paid within thirty days of the termination of services.

c. Expenses:

The client shall pay the lawyer reasonable out-of-pocket expenses incurred in connection with this agreement as follows: [long distance telephone and fax costs, photocopy expense, postage, etc.]. The client shall be responsible for all expenses payable to third parties in connection with the client's case, including filing fees, investigation fees, deposition fees, and the like.

3. The client understands that the lawyer will exercise his or her best judgment while performing the limited legal services set out above, but also recognizes:

- a. the lawyer is not promising any particular outcome;
- b. the lawyer has not made any independent investigation of the facts and is relying entirely on the client's limited disclosure of the facts given the duration of the limited services provided; and

c. the lawyer has no further obligation to the client after completing the above described limited legal services unless and until both lawyer and client enter into another written representation agreement.

WE HAVE EACH READ THE ABOVE AGREEMENT BEFORE SIGNING IT.

Signature of Client

Signature of Lawyer

Date

Date

**BENCH BAR COMMITTEE ON LIMITED SCOPE
REPRESENTATION**

**PROPOSED CHANGES TO THE DELAWARE LAWYERS' RULES
OF PROFESSIONAL CONDUCT**

RULE 1.5

Rule 1.5(d)(3) FEES

- (d) A lawyer shall not enter into an arrangement for, charge, or collect;
(3) a contingent fee for engaging in limited scope representation.

(Please note that punctuation needs to change for 1.5(d)(2).)

BENCH BAR COMMITTEE ON LIMITED SCOPE REPRESENTATION

PROPOSED CIVIL COURT RULE

ON LIMITED SCOPE REPRESENTATION

(a) A lawyer may undertake representation of a self-represented litigant that is limited in scope so long as:

- (1) the limitation is reasonable under the circumstances;
- (2) the client gives informed consent; and
- (3) the lawyer files an Entry of Limited Appearance and an Affidavit of Consent. *See Forms A and B.*

(b) The Entry of Limited Appearance shall state:

- (1) the precise scope of the representation undertaken;
- (2) that the lawyer believes that the scope of the limited representation is reasonable under the circumstances;
- (3) that the lawyer has fully advised the client of the matters set forth in the Affidavit of Consent;

(4) that the lawyer will accept service of all documents related to the limited representation; and

(5) that the lawyer will file a Notice of Withdrawal from Limited Representation, substantially in the form appended to these rules, upon conclusion of the representation which shall be served upon all parties or their counsel. *See Form C.*

(c) The Affidavit of Consent shall be signed by the client and notarized and shall state that:

(1) the client has been fully advised of the scope of the lawyer's representation in the matter and understands that he or she will be self-represented for all matters not within the scope of the lawyer's representation;

(2) the lawyer has advised the client that the lawyer will not provide representation as to any other matters related to the litigation unless the client separately retains the lawyer for the additional representation; and

(3) the client understands that once the lawyer has filed a notice of withdrawal from the limited representation, the client will be self-represented and will be responsible for his or her case.

(d) The Court shall accept the Entry of Limited Appearance without further inquiry when filed in proper form unless the court finds that the scope of the limited representation is unreasonable under the circumstances.

APPENDIX OF FORMS

Form A

ENTRY OF LIMITED APPEARANCE

Please enter my limited appearance on behalf of _____ [client] _____. My representation of _____ [client] _____ is limited to _____ [specify issues/matters/discreet procedural events] _____, who is self-represented as to other issues/matters. This limited appearance is reasonable under the circumstances and I have fully advised the client [name client] of the limitations of the representation. During the course of the limited representation, I will accept service of all documents related to the limited representation. The limited representation will terminate upon filing of a Notice of Withdrawal from Limited Representation and subsequent Order of the Judge.

Client's written consent and contact information is attached hereto.

Lawyer's Signature
Name
Address
Phone Number
Bar I.D.

I, _____ [the client] _____, hereby consent to the limited appearance by [the lawyer] _____. For those issues/matters on which I am self-represented, I can be contacted as noted below.

Client's Signature
Name
Address
Phone Number
(optional/e-mail address)

Form B

AFFIDAVIT OF CONSENT

IN THE _____ COURT OF THE STATE OF DELAWARE

IN AND FOR _____ COUNTY

[Plaintiff's Name(s)],)	C.A. No.
)	
Plaintiffs,)	
)	
v.)	
)	
[Defendant's Name(s)],)	
)	
Defendants.)	

AFFIDAVIT OF CONSENT

I, [client], do hereby submit this Affidavit of Consent in order to certify that I agree to [lawyer's] limited representation in the above-referenced matter. In support of this Affidavit, the following statements are true:

1. I have been fully advised of the scope of [lawyer's] representation in this matter which includes [outline scope of representation which should be consistent with Entry]. I understand that I will be self-represented for all matters not within the scope of the lawyer's representation.
2. [Lawyer] has advised me that [lawyer] will not provide representation as to any other matters related to the litigation unless I separately retain the lawyer for additional representation.
3. I understand that when [lawyer] has filed a Notice of Withdrawal from Limited Representation that I will be self-represented and I will be responsible for my case.

(Client)

On this _____ day of _____, 20____, before me personally appeared [client] to me known to be the person described herein, and who executed the foregoing instrument and he/she acknowledged that he/she voluntarily executed the same.

NOTARY PUBLIC

My term expires _____, 20____.

Form C

NOTICE OF WITHDRAWAL FROM LIMITED REPRESENTATION

IN THE _____ COURT OF THE STATE OF DELAWARE

IN AND FOR _____ COUNTY

[Plaintiff's Names],)	C.A. No.
)	
Plaintiffs,)	
)	
v.)	
)	
[Defendant's Names],)	
)	
Defendants.)	

NOTICE OF WITHDRAWAL OF LIMITED REPRESENTATION

PLEASE TAKE NOTICE that the Limited Representation of [lawyer] in this matter is hereby completed. The scope of this limitation was [scope of limitation-should match Entry language and has been completed.]

As of the date of this filing all further correspondence and pleadings should be forwarded to [address of self-represented litigant].

 Name, address, phone number
 of Client

 Name, address, phone number
 of Lawyer
 Limited Scope Lawyer for [party]

DATED:

SO ORDERED this _____ day of _____, 20_____

 Judge