Delaware Bankruptcy American Inn of Court - May 14, 2013

Best Practices for Handling Pro Se Litigants

Pupilage Group Leaders: Tom Francella and Patrick Jackson

Topics of Conversation:

(1) "The *Pro Se* Problem"

a. Sub-Group: Lawrence Kotler (topic leader), Jarret Hitchings, Johnna Darby, Aaron Applebaum, Josef Mintz

b. Written Materials:

i. *By the Numbers: Pro Se Filers in Bankruptcy Courts* (Administrative Office of United States Courts)

ii. Memorandum Opinion and Order Sustaining Objection, Expunging Claim No. 1836, and Imposing Sanctions, *In re MF Global Holdings, Ltd.*, Case No. 11-15059 (MG), ECF No. 1338 (Bankr. S.D.N.Y. April 18, 2013)

(2) What is the Bankruptcy Court Doing to Address the *Pro Se* Problem?

a. Sub-Group: Matthew Ward (topic leader), Thomas Horan, Ericka Johnson, Troupe Mickler, Lisa Tancredi, Zeke Allinson

b. Written Materials:

i. The *Pro Se* Party – Bankruptcy Court Resources (presentation)

(3) Ethical rules – American Bar Association & State of Delaware

a. Sub-Group: Adam Hiller (topic leader), Donna Harris, Kevin Capuzzi, Nella Bloom

b. Written Materials:

i. Comparison: ABA Model Rules and Delaware Rules

ii. Local Rules Implicating *Pro Se* Parties

iii. *Monsanto Co. v. Aetna Cas. Sur. Co.*, 593 A.2d 1013 (Del. Super. Ct. 1990)

iv. *In re Caldwell*, No. 02-41931, 2004 WL 4960380 (Bankr. D. Idaho May 17, 2004)

v. *In re Dhillon*, Adv. No. 11-4015, 2011 WL 3651308 (Bankr. S.D. Ill. Aug. 18, 2011)

(4) <u>Tips and Observations from Our Judges About *Pro Se* Litigants</u>

a. Sub-Group: Patrick Jackson (topic leader), Stephen Gerald, Chad Toms

b. Written Materials:

i. Thoughts from the Judges (transcripts of interviews)

ii. Order Pursuant to 11 U.S.C. § 105(a) and Fed. R. Bankr. P. 9003(a) Barring *Ex Parte* Communications from Claimant Maureen Dombeck, *In re Tribune Co.*, Case No. 08-13141 (KJC), ECF No. 13499 (Bankr. D. Del. Apr. 30, 2013)

(5) <u>Proposed Best Practices for Dealing with *Pro Se* Litigants</u>

a. Sub-Group: Evelyn Meltzer (topic co-leader), Christopher Samis (topic co-leader), Shelley Kinsella, Deirdre Richards, Jeffrey Drobish, Amanda Steele, Marisa Terranova, Edward Margulis

b. Written Materials:

i. Best Practices list