

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LILLIE JACKSON,	§
	§ No. 324, 2001
Plaintiff Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
ROBERT LOBUE,	§ C.A. No. 00A-09-002
	§
Defendant Below-	§
Appellee.	§

Submitted: September 5, 2001
Decided: October 15, 2001

Before **VEASEY**, Chief Justice, **WALSH**, and **STEELE**, Justices.

ORDER

This 15th day of October 2001, upon consideration of the appellant's opening brief and the appellee's motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The plaintiff-appellant, Lillie Jackson, filed this appeal from an order of the Superior Court dated June 15, 2001. The Superior Court's order affirmed a decision of the Court of Common Pleas, which entered judgment following trial in favor of the defendant-appellee, Robert Lobue, Esquire. Lobue now has filed a motion to affirm the Superior Court's judgment on the

ground that it is manifest on the face of Jackson's opening brief that the appeal is without merit.

(2) The record reflects that Jackson filed a complaint in the Court of Common Pleas alleging that she had retained Lobue to represent her in a worker's compensation proceeding. Jackson alleged that, in June 1996, Lobue encouraged her to sign a commutation of benefits agreement without fully explaining its meaning. Jackson further alleged that Lobue did not obtain a fair settlement on her behalf. After a trial on the merits, the Court of Common Pleas entered judgment for Lobue. The Court concluded that: (a) Jackson had failed to present expert testimony to support her claim of legal malpractice; and (b) the record did not support Jackson's contention that Lobue's legal assistance was in any way deficient. The record of the hearing on the petition to commute reflected Jackson's unequivocal understanding that the commutation of benefits would prohibit her from seeking future compensation for any benefits other than the payment of related medical expenses.

(3) We have reviewed the record carefully and conclude that the Superior Court properly affirmed the Court of Common Pleas' judgment. It

is well settled under Delaware law that claims of malpractice must be supported by expert testimony.* This is not a case in which Lobue's alleged mistakes were so obvious that expert testimony was not necessary. Accordingly, the judgment of the Superior Court should be affirmed on the basis of the Superior Court's well-reasoned decision dated June 15, 2001.

NOW, THEREFORE, IT IS ORDERED that the appellee's motion to affirm is GRANTED. The judgment of the Superior Court is **AFFIRMED**.

BY THE COURT:

s/Joseph T. Walsh
Justice

**Alston v. Hudson*, Del. Supr., No. 160, 1997, Veasey, C.J. (Aug. 22, 1997) (ORDER); *Weaver v. Lukoff*, Del. Supr., No. 15, 1986, McNeilly, J., 1986 WL 17121 (July 1, 1986) (ORDER) (citing *Seiler v. Levitz Furniture Co.*, Del. Supr., 367 A.2d 999, 1008 (1976)).