

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE	§ No. 383, 2004
ESTATE OF JAMES	§
POLLARD HALL	§ Court Below—Court of Chancery
	§ of the State of Delaware,
	§ in and for New Castle County
	§ C.A. No. 2002-10-538

Submitted: July 15, 2005
Decided: August 26, 2005

Before **HOLLAND, BERGER,** and **JACOBS,** Justices.

ORDER

This 26th day of August 2005, upon consideration of the appellant's opening brief and the appellee's motion to affirm, it appears to the Court that:

(1) The appellant, William Edward Hall, filed this appeal from a decision of the Court of Chancery holding him in contempt for failing to account for and remit funds he received as the administrator of the estate of James P. Hall. The appellee, Suzanne Seubert, Esquire,¹ has filed a motion to affirm the Court of Chancery's judgment on the ground that it is manifest on the face of the appellant's opening brief that the appeal is without merit.

We agree and affirm.

¹ The Court of Chancery appointed Seubert to act as successor administrator after it removed Hall from that position.

(2) In his opening brief on appeal, which is two pages long and contains no citations to any portion of the record or to any legal authority, Hall summarily asserts the following discernible issues: (i) he was forced to go to trial without legal counsel to represent him; (ii) the Court of Chancery appointed free legal counsel to represent the appellee; and (iii) all the facts were not brought out at trial and an unidentified “key witness” was not available.

(3) To the extent Hall asserts a right to counsel at State expense in the proceedings below, there is simply no merit to this claim.² To the extent Hall contends that the appellee was appointed legal counsel at State expense in the proceedings below, there is no factual support for such an assertion. Hall’s final claim that all the facts were not brought out at trial is vague and conclusory. While this Court allows a pro se litigant leeway in meeting the briefing requirements, the brief at the very least must assert an argument that is capable of review.³ Hall does not assert with any specificity what facts were not brought out at trial or why those facts were not brought at trial. It is clear from the transcript that Hall never requested a continuance of the

² See *Black v. DCSE/Black*, 686 A.2d 164, 168-69 (Del. 1996) (indigent litigant is only entitled to court-appointed counsel if proceeding may result in loss of liberty); *Boulware v. Battaglia*, 344 F. Supp. 889, 903 (D.Del. 1972) (right to counsel does not extend to civil proceedings).

³ *Yancey v. Nat’l Trust Co.*, 1998 WL 309819 (Del. Supr.).

proceedings so that he could present his “key witness” or additional evidence. The Court has no adequate basis to review this last claim.

(4) Having carefully considered the parties’ respective positions, we find it manifest that the judgment of the Court of Chancery should be affirmed. To the extent the issues on appeal are legal, they are clearly controlled by settled Delaware law. To the extent the issues on appeal are factual, there clearly is sufficient evidence in the record to support the Court of Chancery’s judgment.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Court of Chancery is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice