

SUPREME COURT OF THE STATE OF DELAWARE

Hughes v. Public Defenders Office

No. 89, 2021 · No. No. 89, 2021 · Decided October 21, 2021

SUMMARY

The Delaware Supreme Court affirmed dismissal of Antonio A. Hughes's legal malpractice action against the Office of Defense Services and related attorneys. The Court held that the action was properly dismissed as frivolous and malicious because it attempted to relitigate a disqualification issue, was premature while Hughes's criminal case was pending, and failed to overcome qualified immunity under the State Tort Claims Act.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Gary F. Traynor; Vaughn, Justice; Traynor, Justice; Montgomery-Reeves, Justice
JURISDICTION	Delaware
DECIDED	October 21, 2021
DOCKET	No. 89, 2021
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hughes appealed the Superior Court's dismissal under 10 Del. C. § 8803(b) of his in forma pauperis legal-malpractice complaint against his public defenders and related defendants.
STANDARD OF REVIEW	The Supreme Court reviews a Superior Court dismissal under 10 Del. C. § 8803(b) for abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	Antonio A. Hughes v. Public Defenders Office (Kent), John Doe, Kathleen Amalfitano, Suzanne Macpherson-Johnson

TOPICS

[motions to dismiss](#) [professional negligence](#) [appellate procedure](#) [standard of review](#) [civil procedure](#)

PRACTICE AREAS

[civil procedure](#) [appellate procedure](#) [professional negligence](#) [constitutional law](#)

QUESTIONS PRESENTED

1. Whether the Superior Court abused its discretion by dismissing Hughes's in forma pauperis legal-malpractice complaint under 10 Del. C. § 8803(b).
2. Whether the complaint was an impermissible attempt to relitigate the denial of Hughes's motion to disqualify his public defenders.
3. Whether the malpractice claim was premature because Hughes could not establish damages while his criminal case remained pending.
4. Whether the defendants were protected by qualified immunity under the State Tort Claims Act.

HOLDINGS

1. A Superior Court dismissal of a complaint under 10 Del. C. § 8803(b) is reviewed for abuse of discretion.
2. The Superior Court did not abuse its discretion in dismissing Hughes's complaint because it attempted to relitigate the denial of his motion to disqualify counsel, was premature while the criminal case was pending because Hughes could not establish damages, and failed to overcome the defendants' qualified immunity from legal-malpractice claims.

KEY QUOTATIONS

“Under Section 8803(b), if the Superior Court grants an application to proceed in forma pauperis, the court must review the plaintiff’s complaint and shall dismiss the complaint if the court finds that the action is factually frivolous, legally frivolous, or malicious.” (¶ 5)

“The Superior Court appropriately determined that Hughes’s complaint constituted an impermissible attempt to relitigate the motion to disqualify; was premature while his criminal case was still pending because he could not establish damages; and failed to overcome the qualified immunity from legal malpractice claims that the State Tort Claims Act afforded to the defendants.” (¶ 6)

FACTUAL BACKGROUND

Hughes was charged with murder and represented by attorneys from Delaware's Office of Defense Services. He alleged that his attorneys had conflicts, failed to communicate, delayed the case, withheld discovery, and failed to file desired pretrial motions or obtain dismissal. While the criminal case was pending, Hughes filed a legal-malpractice action seeking a declaration that the defendants violated his constitutional rights and an injunction barring them from continuing to represent him. The criminal case later ended in a jury acquittal.

PROCEDURAL HISTORY

Hughes was represented by attorneys from the Office of Defense Services in a pending murder prosecution. While that criminal case was pending, he filed a Superior Court legal-malpractice action seeking declaratory and injunctive relief. The Superior Court granted in forma pauperis status but dismissed the complaint as factually frivolous, legally frivolous, and malicious under 10 Del. C. § 8803(b). Hughes appealed, and the Delaware Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Ashley v. Stiller, 2012 WL 5818322, at *1 (Del. Nov. 15, 2012)
- Ashley v. Stiller, 2012 WL 5818322, at *2 (Del. Nov. 15, 2012)
- Biggins v. Goldstein, 2011 WL 153753, at *1 (Del. Jan. 12, 2011)
- Proctor v. Sullivan, 2001 WL 1287031, at *1 (Del. Oct. 18, 2001)
- Bartley v. Soll, 2002 WL 1472286 (Del. July 1, 2002)

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