

# Supreme Court

In Fiscal Year 2003, the Delaware Supreme Court received 681 appeals and disposed of 727 appeals by opinion, order or dismissal. The vast majority of the appeals were decided within 40 days from the date of submission to the date of final decision. In 91.2% of appeals decided in FY2003, the Court met the standard of the Delaware Judiciary for deciding cases within 90 days of the date of submission for decision. By continually striving for excellence and the prompt adjudication of matters on appeal, the Court's reputation as one of the finest State appellate courts remains unchallenged.

On March 31, 2003, Justice Joseph T. Walsh retired after a distinguished 32 year career as a member of the Delaware Judiciary serving as a Superior Court Judge, a Vice Chancellor of the Court of Chancery and, for the past 18 years, as a Justice of the Delaware Supreme Court. During his service on the Supreme Court, he authored more than 300 opinions in the areas of civil, criminal, and corporate law. His judgment, dedication, civility and work ethic were exceptional. He will always be known as a judges' judge.

In June, 2003, Justice Jack B. Jacobs was sworn in as a Justice of the Delaware Supreme Court to succeed Justice Walsh. Before his appointment to the Court, Justice Jacobs served as a Vice Chancellor of the Court of Chancery since October, 1985, after having practiced corporate and business litigation in Wilmington since 1968. He is an outstanding addition to the Court.

The Court issued several noteworthy Administrative Directives regulating the administration of the courts and the Bar. Administrative



Chief Justice E. Norman Veasey

Directive 142 directed that the Delaware Judiciary purchase and implement the selected commercial off-the-shelf (COTS) system for all courts, including the Justice of the Peace Court, the Court of Common Pleas, the Family Court, the Superior Court, the Court of Chancery, and the Supreme Court. The implementation of an integrated case and financial management system is a top priority of the Delaware Judiciary. Administrative Directive 144 designated Justice Randy J. Holland as Liaison Justice

to the Administrative Office of the Court. The appointment of a Liaison Justice was one of the recommendations of the Court Resources Task Force chaired by the late James H. Gilliam, Jr., Esquire who brought unparalleled leadership skills and vision to his dedication to serving the public. The underlying concept for the appointment was that the management functions of the Delaware Judiciary would benefit from having a Liaison Justice report to and assist the Chief Justice in carrying out the complex and time-consuming administrative demands of the office of Chief Justice. Administrative Directive 148 appointed a committee, chaired by Justice Myron T. Steele, to develop a protocol and uniform policy concerning: (a) applications for attorneys' fees and expenses; (b) agreements with contract counsel; and (c) court appointments other than contract counsel in the Supreme Court, Superior Court and Family Court.



Supreme Court Justices

*Front Row* (sitting left to right)  
Justice Randy J. Holland  
Chief Justice E. Norman Veasey  
Justice Carolyn Berger

*Back Row* (standing left to right)  
Justice Jack B. Jacobs  
Justice Myron T. Steele

### **Legal Authorization**

The Supreme Court is created by the Constitution of Delaware, Article IV, Section 1. The Supreme Court sits in Dover but the justices maintain their chambers in the counties where they reside.

### **Court History**

The modern Supreme Court was established in 1951 by constitutional amendment. The State's first separate Supreme Court initially consisted of three justices and was enlarged to the current five justices in 1978.

Prior to 1951, Delaware was without a separate Supreme Court. The highest appellate authority prior to the creation of the separate Supreme Court consisted of those judges who did not participate in the original litigation in the lower courts. These judges would hear the appeal en banc (collectively) and would exercise final jurisdiction in all matters in both law and equity.

### **Jurisdiction**

The Court has final appellate jurisdiction in criminal cases in which the sentence exceeds certain minimums and in civil cases as to final judgments and for certain other orders of the Court of Chancery, the Superior Court, and the Family Court. Appeals are heard on the record. Under some circumstances, the Supreme Court has jurisdiction to issue writs of prohibition, quo warranto, certiorari, and mandamus.

### **Justices**

The Supreme Court consists of a chief justice and four justices who are nominated by the Governor and confirmed by the Senate. The justices are appointed for 12-year terms and must be learned in the law and citizens of the State. Three of the justices must be of one of the major political parties while the other two justices must be of the other major political party.

### **Administration**

The chief justice is responsible for the administration of all courts in the State and appoints a State Court Administrator to manage the non-judicial aspects of court administration. The Supreme Court is staffed by a court administrator, staff attorneys, an assistant clerk, law clerks, secretaries, and court clerks.

<b>Caseload Summary - Fiscal Year 2003</b>						
	Pending 6/30/2002	Filings	Dispositions	Pending 6/30/2003	Change In Pending	% Change In Pending
Criminal Appeals	196	359	389	166	-30	-15.31%
Civil Appeals	136	264	275	125	-11	-8.09%
Original Applications*	12	58	62	8	-4	-33.33%
<b>Total*</b>	<b>344</b>	<b>681</b>	<b>726</b>	<b>299</b>	<b>-45</b>	<b>-13.08%</b>

<b>Caseload Comparison - Fiscal Years 2002-2003 - Filings</b>				
	2002	2003	Change	% Change
Criminal Appeals	329	359	+30	+9.1%
Civil Appeals	306	264	-42	-13.73%
Certifications	1	3	+2	+200.0%
Original Applications	56	35	-21	-37.50%
Bd. On Prof. Resp.	23	18	-5	-21.74%
Bd. Of Bar Exam.	0	2	+2	+200.0%
Un. Prac. Of Law	0	0	0	-----
<b>Total</b>	<b>715</b>	<b>681</b>	<b>-34</b>	<b>-4.76%</b>

<b>Caseload Comparison - Fiscal Years 2002-2003 - Dispositions</b>				
	2002	2003	Change	% Change
Criminal Appeals	305	389	+84	+27.5%
Civil Appeals	330	275	-55	-16.67%
Certifications	2	3	+1	+50.0%
Original Applications	54	38	-16	-29.63%
Bd. On Prof. Resp.	21	20	-1	-4.76%
Bd. Of Bar Exam.	1	1	0	-----
Un. Prac. Of Law	0	0	0	-----
<b>Total*</b>	<b>713</b>	<b>726</b>	<b>+13</b>	<b>+1.8%</b>

\*Certifications, Board on Professional Responsibility, Board of Bar Examiners, Unauthorized Practice of Law cases are included with the original applications in the Caseload Summary. Each is listed separately, however, in the Caseload Comparison.

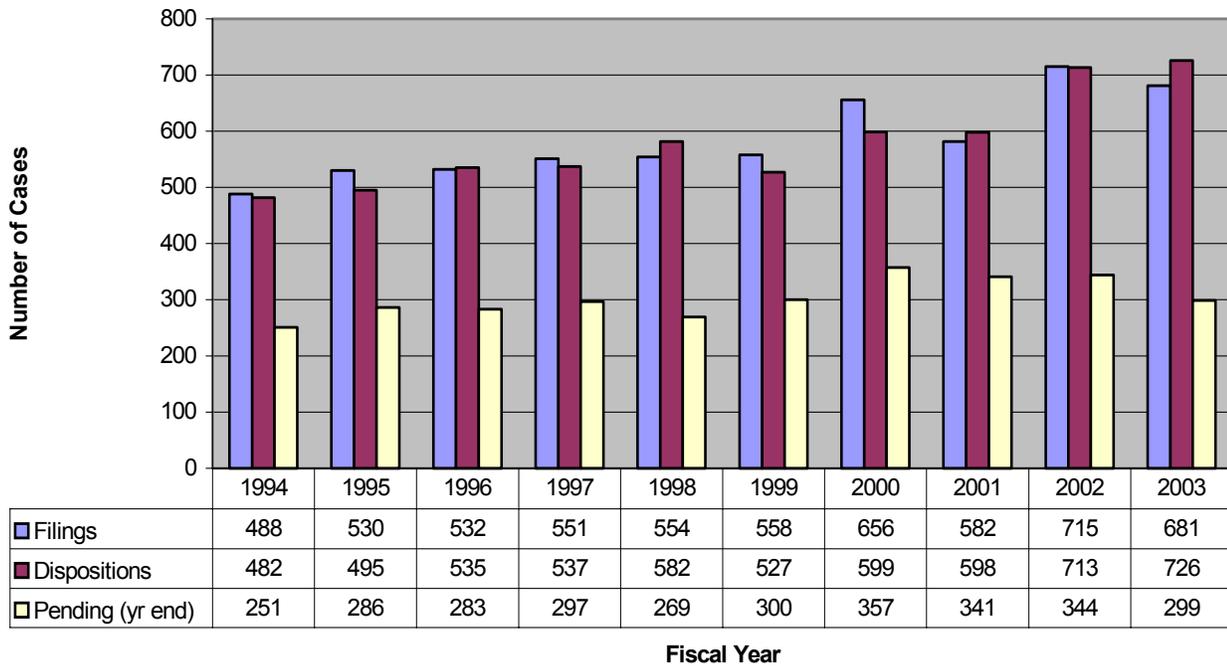
Bd. On Prof. Resp. = Board on Professional Responsibility

Bd. Of Bar Exam. = Board of Bar Examiners

Un. Prac. Of Law = Board on the Unauthorized Practice of Law

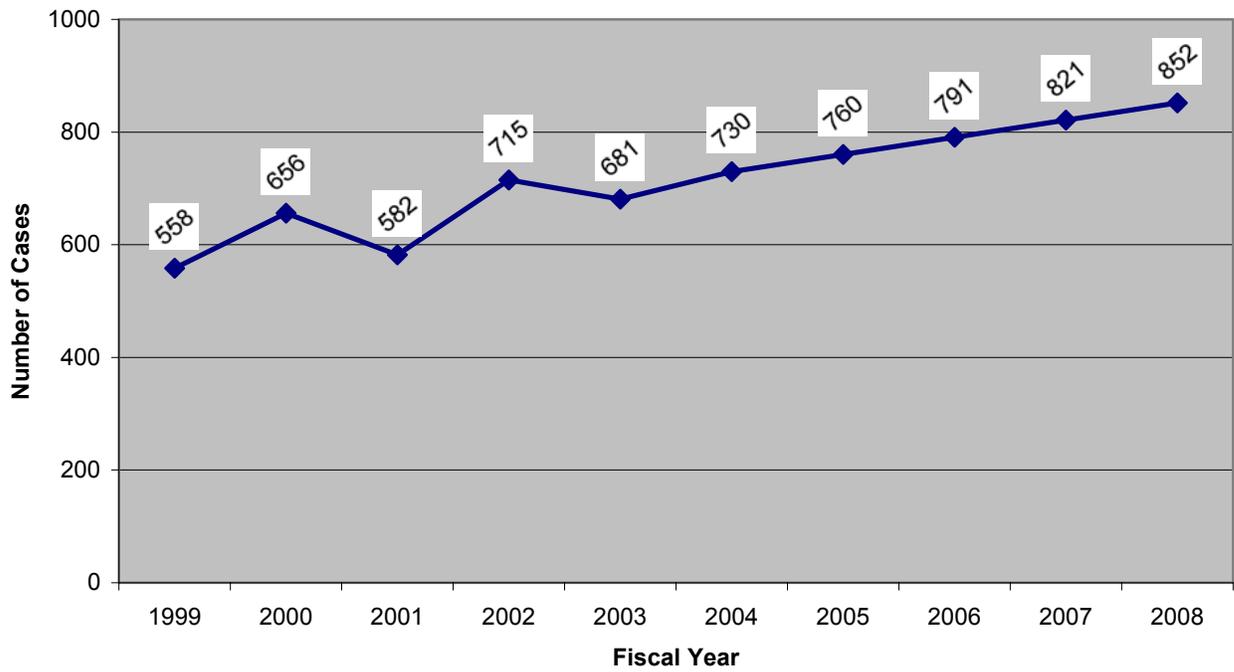
Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts.

**Supreme Court - 10 Year Caseload Trend**

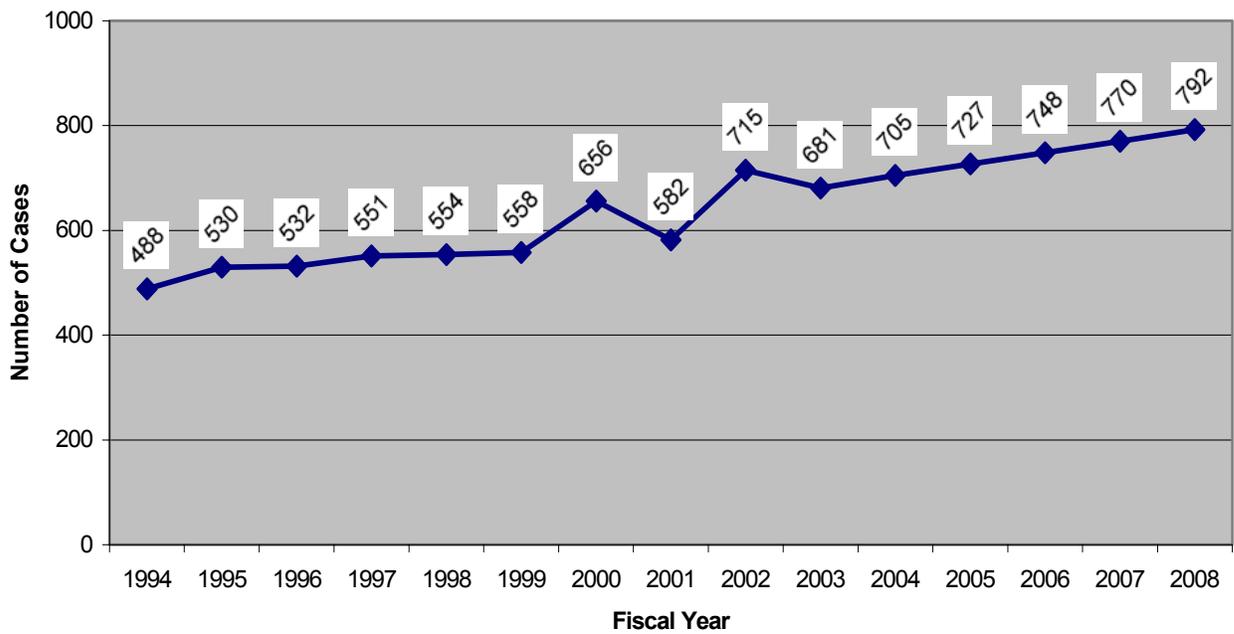


Source: Clerk of the Supreme Court; Administrative Office of the Courts.

Supreme Court - 5 Year Case Filing Projections With 5 Year Base



Supreme Court - 5 Year Case Filing Projections With 10 Year Base



Trend lines computed by regression analysis.

Source: Clerk of the Supreme Court; Administrative Office of the Courts.

SUPREME COURT

<b>Caseload Breakdowns Fiscal Year 2003 - Filings</b>										
	Court of Chancery		Superior Court		Family Court		Non-Court Originated		Total	
Criminal Appeals	0	0.0%	359	100.0%	0	0.0%	0	0.0%	359	100.0%
Civil Appeals	47	17.8%	140	53.0%	77	29.2%	0	0.0%	264	100.0%
Certifications	0	0.0%	0	0.0%	0	0.0%	3	100.0%	3	100.0%
Original Applications	0	0.0%	0	0.0%	0	0.0%	35	100.0%	35	100.0%
Bd. On Prof. Resp.	0	0.0%	0	0.0%	0	0.0%	18	100.0%	18	100.0%
Bd. Of Bar Exam.	0	0.0%	0	0.0%	0	0.0%	2	0.0%	2	0.0%
Un. Prac. Of Law	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	100.0%
<b>Total</b>	<b>47</b>	<b>6.9%</b>	<b>499</b>	<b>73.3%</b>	<b>77</b>	<b>11.3%</b>	<b>58</b>	<b>8.5%</b>	<b>681</b>	<b>100.0%</b>

<b>Caseload Breakdowns Fiscal Year 2003 - Dispositions</b>										
	Court of Chancery		Superior Court		Family Court		Non-Court Originated		Total	
Criminal Appeals	0	0.0%	389	100.0%	0	0.0%	0	0.0%	389	100.0%
Civil Appeals	56	20.4%	143	52.0%	76	27.6%	0	0.0%	275	100.0%
Certifications	0	0.0%	0	0.0%	0	0.0%	3	100.0%	3	100.0%
Original Applications	0	0.0%	0	0.0%	0	0.0%	38	100.0%	38	100.0%
Bd. On Prof. Resp.	0	0.0%	0	0.0%	0	0.0%	20	100.0%	20	100.0%
Bd. Of Bar Exam	0	0.0%	0	0.0%	0	0.0%	1	100.0%	1	100.0%
Un. Prac. Of Law	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>Total</b>	<b>56</b>	<b>7.7%</b>	<b>532</b>	<b>73.3%</b>	<b>76</b>	<b>10.5%</b>	<b>62</b>	<b>8.5%</b>	<b>726</b>	<b>100.0%</b>

<b>Caseload Breakdowns Fiscal Year 2003 - Change in Pending</b>						
	Court of Chancery	Superior Court	Family Court	Non-Court Originated	Total	
Criminal Appeals	0	-30	0	0	-30	
Civil Appeals	-9	-3	+1	0	-11	
Certifications	0	0	0	0	0	
Original Applications	0	0	0	-3	-3	
Bd. On Prof. Resp.	0	0	0	-2	-2	
Bd. Of Bar Exam	0	0	0	+1	+1	
Un. Prac. Of Law	0	0	0	0	0	
<b>Total</b>	<b>-9</b>	<b>-33</b>	<b>+1</b>	<b>-4</b>	<b>-45</b>	

Bd. On Prof. Resp. = Board on Professional Responsibility

Bd. Of Bar Exam. = Board of Bar Examiners

Un. Prac. Of Law = Board on the Unauthorized Practice of Law

Source: Court Administrator and Clerk of the Supreme Court; Administrative Office of the Courts.

**Types of Dispositions Fiscal Year 2003 - Appeals**

	Affirmed Part/		Reversed Part		Remanded		Voluntary Dismissal		Court Dismissal		Leave to Appeal Denied		Total	
	Affirmed	Reversed Part	Reversed	Remanded	Voluntary Dismissal	Court Dismissal	Appeal Denied	Other	Total					
Criminal Appeals	284	72.8%	9	2.3%	15	3.8%	2	0.5%	32	8.2%	48	12.3%	390	100.0%
Civil Appeals	140	41.7%	8	2.4%	23	6.8%	1	0.3%	43	12.8%	81	24.1%	336	100.0%
<b>Total</b>	<b>424</b>	<b>58.4%</b>	<b>17</b>	<b>2.3%</b>	<b>38</b>	<b>5.2%</b>	<b>3</b>	<b>0.4%</b>	<b>75</b>	<b>10.3%</b>	<b>129</b>	<b>17.8%</b>	<b>726</b>	<b>100.0%</b>

**Types of Dispositions Fiscal Year 2003 - Miscellaneous**

	Action Taken*		Voluntary Dismissal		Court Dismissal		Leave to Appeal Denied		Total	
	Approved	Answered	Voluntary Dismissal	Court Dismissal	Appeal Denied	Other				
Original Applications	0	0.0%	0	0.0%	37	97.4%	0	0.0%	38	100.0%
Certifications	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Bd. On Prof. Resp.	11	55.0%	8	40.0%	0	0.0%	0	0.0%	20	100.0%
Bd. Of Bar Exam.	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	100.0%
<b>Total</b>	<b>11</b>	<b>18.6%</b>	<b>8</b>	<b>13.6%</b>	<b>37</b>	<b>62.7%</b>	<b>0</b>	<b>0.0%</b>	<b>59</b>	<b>100.0%</b>

**Methods of Dispositions Fiscal Year 2003**

	Assigned Opinion	Per Curiam		Written Order		Voluntary Dismissal		Total		
		Opinion	Other	Written Order	Other	Voluntary Dismissal	Other			
Criminal Appeals	37	9.5%	10	2.6%	311	79.7%	32	8.2%	390	100.0%
Civil Appeals	28	10.2%	9	3.3%	196	71.3%	42	15.3%	275	100.0%
Certifications	1	33.3%	0	0.0%	0	0.0%	0	0.0%	3	100.0%
Original Applications	0	0.0%	0	0.0%	37	97.4%	1	2.6%	38	100.0%
Bd. On Prof. Resp.	1	5.0%	3	15.0%	15	75.0%	1	5.0%	20	100.0%
Bd. Of Bar Exam.	0	0.0%	1	100.0%	0	0.0%	0	0.0%	1	100.0%
<b>Total</b>	<b>67</b>	<b>9.2%</b>	<b>23</b>	<b>3.2%</b>	<b>559</b>	<b>76.9%</b>	<b>76</b>	<b>10.5%</b>	<b>727</b>	<b>100.0%</b>

\* Action taken includes disbarments, suspensions and reinstatements.  
 Bd. On Prof. Resp. = Board on Professional Responsibility  
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 Un. Prac. Of Law = Board on the Unauthorized Practice of Law  
 Source: Court Administrator and Clerk of the Supreme Clerk; Administrative Office of the Courts.

SUPREME COURT

<b>Performance Summary Fiscal Year 2003 - Average Elapsed Time to Disposition</b>			
	Number of Dispositions	Average Time From Filing to Disposition	Average Time From Submission to Disposition*
Criminal Appeals	389	192.3 days	45.8 days
Civil Appeals	275	179.4 days	34.2 days
Certifications	3	63.7 days	27.3 days
Original Applications	38	50.7 days	29.6 days
Bd. On Prof. Resp.	20	84.7 days	28.4 days
Bd of Bar Exam.	1	145.0 days	6.0 days
<b>Total</b>	<b>726</b>	<b>180.1 days</b>	<b>41.1 days</b>

<b>Caseload Comparison - Fiscal Years 2002-2003 - Average Time From Filing to Disposition</b>				
	2002	2003	Change	% Change
Criminal Appeals	240.6 days	192.3 days	-48.3 days	-20.1%
Civil Appeals	186.6 days	179.4 days	-7.2 days	-3.9%
Certifications	15.5 days	63.7 days	+48.2 days	+310.8%
Original Applications	53.4 days	50.7 days	-2.7 days	-5.0%
Bd. On Prof. Resp.	131.4 days	84.7 days	-46.8 days	-35.6%
Bd. Of Bar Exam.	290 days	145.0 days	-145 days	-50.0%
<b>Total</b>	<b>198 days</b>	<b>180.1 days</b>	<b>-17.9 days</b>	<b>-9.0%</b>

<b>Performance Breakdowns Fiscal Year 2003 - Elapsed Time by Disposition Type</b>			
Type of Disposition	Number of Dispositions	Average Time From Filing to Disposition	Average Time From Submission to Disposition*
Affirmed	424	201.2 days	42.9 days
Affirmed Part/Reversed Part	17	422.2 days	105.1 days
Reversed	36	343.5 days	61.2 days
Remanded	3	243.7 days	59.3 days
Voluntary Dismissal	75	138.1 days	---
Court Dismissal	131	83.3 days	25.9 days
Leave to Appeal Denied	17	19.6 days	12.6 days
Other	23	96.3 days	34.7 days
<b>Total</b>	<b>726</b>	<b>178.2 days</b>	<b>41.1 days</b>

<b>Performance Breakdowns Fiscal Year 2003 - Elapsed Time by Disposition Method</b>			
Method of Disposition	Number of Dispositions	Average Time From Filing to Disposition	Average Time From Submission to Disposition*
Assigned Opinion	68	396.6 days	98.2 days
Per Curium Opinion	21	325.2 days	52.9 days
Written Order	561	152.9 days	34.3 days
Voluntary Dismissal	75	138.1 days	----
Other	2	15.5 days	15.5 days
<b>Total</b>	<b>727</b>	<b>178.7 days</b>	<b>41.5 days</b>

\*Average time from date submitted for judicial decision to actual date of disposition. Not all Supreme Court cases require a judicial decision.

\*\*Eight cases that were stayed by the filing of a bankruptcy proceeding in the U.S. Bankruptcy Court have been excluded from the average time from filing to disposition. If included, the average elapsed time from filing to disposition for cases dismissed by the court would be 185.0 days and the average elapsed time from filing to disposition for cases disposed by means of a written order would be 176.0 days.

Source: Court Administrator and Clerk of the Supreme Court; Administrative Office of the Courts.