ADMINISTRATIVE DIRECTIVE NO. 175

This 1st day of April 2010, IT APPEARS TO THE COURT:

(1) In furtherance of the duties required of the Chief Justice by Del. Const. art. IV, § 13, there should be a new administrative directive on the reporting requirements of all members of the Delaware Judiciary regarding cases under advisement.

(2) The Chief Justice should have a continuing record of the status of each matter being held under advisement for decision by (a) each Justice of the Supreme Court, Chancellor of the Court of Chancery, Judge of the Superior Court and the Family Court for more than 90 days; and (b) each Judge of the Court of Common Pleas and the Justice of the Peace Court for more than 30 days.

(3) The prior administrative directive on this subject should be superseded.

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the Justices of the Supreme Court (Del. Const. art. IV, § 13), that:

A. Each Justice shall furnish to the Chief Justice, on the tenth day of each month, a detailed report of each matter being held under advisement by each such Justice for more than 90 days as of the last business day of the previous month;

B. The Chancellor of the Court of Chancery, the President Judge of the Superior Court, and the Chief Judge of the Family Court shall furnish to the Chief Justice on the tenth day of each month, a detailed report of each matter being held under advisement for more than 90 days as of the last business day of the previous month by each Judge, of their respective courts. The Chief Judge of the Court of Common Pleas and the Chief Magistrate of the Justice of the Peace Court shall furnish to the Chief Justice on the tenth day of each month a detailed report for each matter held under advisement for more than 30 days as of the last business day of the previous month by each Judge of their respective courts; and

C. Each report shall include the following information:

1. Name of the Court;
2. Whether the report is for matters under advisement for 30 days or 90 days;
3. Date the report is submitted;
4. Inclusive dates of the report;
5. Name of the Justice, Chancellor or Judge;
6. Case name and number;
7. Date the case was submitted for decision;
8. Reason for delay; and
9. A plan for the issuance of the decision, approved by the presiding judge of the court involved.

D. For purposes of this Administrative Directive, the following shall apply:

1. "Matters under advisement" is defined as any motion, sentencing, or other proceeding, including oral arguments and cases submitted for decision on the briefs or other papers in which all required actions have been completed by the parties, and the parties await a judicial decision.

2. "Reason for delay" should be specific. A response of lack of office time or its equivalent, standing alone, is not sufficient.

3. "Plan" shall include a proposal for issuance of the decision with a target date on which the justice, chancellor, judge reasonably expects the opinion or order to be issued. In the case of the Supreme Court, the Court of Chancery, the Superior Court, and the Family Court, such date should not be in excess of an additional 45 days without providing good cause and the approval thereof by the presiding judge of the court involved. In the case of all other courts, the time period in the preceding sentence shall be 15 days.

E. Each Justice, Chancellor or Judge shall furnish the information necessary to the presiding judge of the court involved so an accurate and timely report can be prepared. Failure to do so for two consecutive months shall cause the presiding judge to file a notice with the Clerk of the Court on the Judiciary. The notice shall be processed as a complaint under Court on the Judiciary Rule 5.

F. If any matter is under advisement for more than one year as of the last business day of the previous month, the presiding judge shall file a notice with the Clerk of the Court on the Judiciary. The notice shall be processed as a complaint under Court on the Judiciary Rule 5.

G. This Administrative Directive shall become effective on July 1, 2010 and shall pertain to all matters held under advisement on and after June 30, 2010, regardless of the submission date of the matter under advisement.

H. Administrative Directive Number Ninety Four as promulgated on February 1, 1994 is superseded by this Directive.

Chief Justice

c: The Honorable Jack A. Markell
The Honorable Randy J. Holland
The Honorable Carolyn Berger
The Honorable Jack B. Jacobs
The Honorable Henry duPont Ridgely
Members of the Judicial Conference
The Honorable Joseph R. Biden, III
The Honorable James Brendan O'Neill
State Court Administrator
Court Administrators
Clerk of the Supreme Court
Counsel to the Governor
Chair Senate Judiciary Committee
Chair House Judiciary Committee