SUPREME COURT OF DELAWARE

E. NORMAN VEASEY
CHIEF JUSTICE

DELAWARE STATE OFFICE BUILDING
820 NORTH FRENCH STREET
P.O. BOX 1997
WILMINGTON, DELAWARE 19899

TELEPHONE: (302) 577-8700
FAX: (302) 577-5697

ADMINISTRATIVE DIRECTIVE NO. 134

This 30th day of October, 2001,

IT APPEARS THAT:

(1) There is a need to set forth a standardized procedure and uniform criteria for determining the need for additional judgeships or other judicial officer positions.

(2) These criteria should form the primary basis for the Chief Justice, in consultation with the Justices of the Supreme Court, to determine whether any recommendations for the creation of new judgeships or judicial officer positions should be made to the Governor and General Assembly.

(3) Unforseen developments may have an impact upon the Judiciary resulting in needs which cannot be foreseen or predicted by statistical projections. The Chief Justice, therefore, should also consider any additional information deemed relevant to the process.

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the members of the Supreme Court pursuant to the Delaware Constitution, art. IV, § 13(1), effective immediately, as follows:

(A) This Directive sets forth uniform criteria for determining the need for additional judgeships or other judicial officer positions. These criteria will form the primary basis for the Chief Justice, in consultation with the Justices of the Supreme Court, to determine whether to make a recommendation for the creation of new judgeships or judicial officer positions to the Governor and General Assembly.

(B) The criteria to be considered by the Chief Justice shall include:

(1) caseload statistics, based upon data elements identified by the Council of State Court Administrators and supplied by the administrators of the individual courts;

(2) the nature and complexity of cases coming before the court;

(3) growth, nature, and projections of population within a particular county;

(4) number of lawyers;

(5) the use and availability of retired judges to serve on a particular court;

(6) the number and effectiveness of senior judges, masters, and/or commissioners serving on a particular court;

(7) the presence of state facilities and institutions in a particular county;

(8) law enforcement activities including any substantial commitment of additional resources for prosecutors, public defenders, and local law enforcement;

(9) time since the last new judgeship or other judicial officer position was authorized for the particular court;

(10) legal requirements related to court coverage by judges, if applicable; and

(11) any other factor deemed relevant by the Supreme Court;

(C) Because summary statistics reflective of the above criteria do not fully measure judicial workload, the Chief Justice will receive and consider, among other things, information about the volume of and the time and resources necessary to perform the following activities:

(1) trials and case-dispositive motions;

(2) hearing and disposing of expedited cases and summary commercial and emergency proceedings;

(3) other specialized court hearings that were established to meet public policy needs;

(4) reviewing appellate court decisions;

(5) researching legal issues;

(6) reviewing briefs and memoranda of law;

(7) participation in court conferences on pending cases;

(8) hearing and disposing of non-case-dispositive motions;

(9) other judicial involvement in case-management activities;

(10) preparing correspondence, orders, judgments, and decisional opinions;

(11) reviewing presentence investigative reports and predispositional reports in delinquency and dependency cases;

(12) reviewing petitions and motions for postconviction relief;

(13) performing administrative duties relating to individual courts or the court system as a whole;

(14) participating in meetings with those involved in the justice system; and

(15) participating in educational programs designed to increase the competency and efficiency of the judiciary.

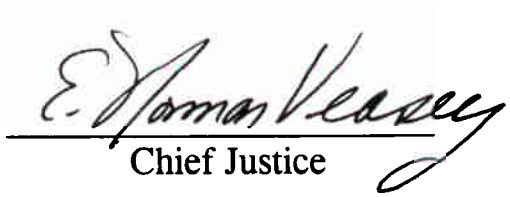
(D) In order to gather information about these criteria and additional workload factors, each court administrator will distribute a comprehensive report, including a compilation of summary statistics and projections to each presiding judge within 45 days of the close of each fiscal year.

(E) After considering these criteria, additional workload factors, and summary statistics, each presiding judge shall submit to the Chief Justice by August 15 of each year any request for increases in the number of judicial officers that the presiding judge recommends. The Chief Justice may gather such additional information as the Chief Justice deems relevant.

(F) The Chief Justice, with the concurrence of the Supreme Court, thereafter will certify to the Governor and the General Assembly the applicable findings and recommendations if any increases in the number of judgeships or other judicial officers are to be requested for the next fiscal year.

(G) Unforeseen developments may have an impact upon the Judiciary resulting in needs that cannot be foreseen or predicted by statistical projections. The Chief Justice, therefore, also may consider any additional information deemed relevant to the process.

BY THE COURT:



Chief Justice

cc: The Honorable Ruth Ann Minner
The Honorable Joseph T. Walsh
The Honorable Randy J. Holland
The Honorable Carolyn Berger
The Honorable Myron T. Steele
Members of the Judicial Conference
The Honorable M. Jane Brady
The Honorable Lawrence M. Sullivan
Court Administrators
Clerk of the Supreme Court