ADMINISTRATIVE DIRECTIVE NO. 165

This 11th day of February, 2008

IT APPEARS THAT:

(1) The State of Delaware is presently confronted by an unanticipated and substantial shortfall in projected revenue for the current and upcoming fiscal years, and

(2) The Governor has instituted, in a February 7, 2008 memorandum from the Director of the Office of Management and Budget (OMB), a program of management controls impacting executive branch departments, divisions, and agencies, in order to ameliorate the short and long term effects of the State's diminished resources on the operation of State government, and

(3) The Governor and the Director of OMB have requested that the Judicial Branch cooperate in these efforts, and

(4) For the reasons stated above, it is incumbent upon all State courts and judicial agencies to cooperate fully in the efforts to cope with the State's serious financial concerns.

NOW THEREFORE, IT IS DIRECTED, with the unanimous approval of the members of the Supreme Court, pursuant to Del. Const. Art. IV, § 13(1), that:

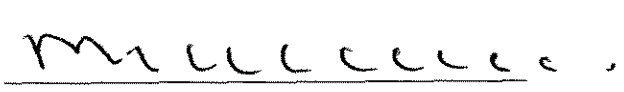
(A) Effective this date and until further notice, there will be no positions filled within the Judicial Branch, including new hires, promotions (temporary or permanent), and career ladder promotions, without prior approval of the Chief Justice, unless the legal offer of hire was made before the close of business on February 12, 2008. Any such approval will be based in part upon the certification of the Chief Judge of the Court, or head of the judicial agency, seeking to fill the position that (1) the hiring is critical to the operations of the court or agency, including addressing safety and security concerns, and (2) appropriate funds are believed to be available in the Court's, or agency's, budget to compensate the person to be hired.

(B) Each Chief Judge and head of a judicial agency shall provide to the State Court Administrator, no later than March 1, 2008, and on the first day of each month thereafter, a current listing of all vacant positions and all vacancies in that Court/judicial agency that are expected to occur, as well as promotions that are anticipated, before the next report will be issued.

(C) Each Chief Judge and head of a judicial agency is asked to review their FY 2009 budget request to determine which items can be eliminated from the FY 2009 request, as not required to address a critical need in FY 2009. Details on budget items to be eliminated, if required by the financial situation, should be provided to the AOC Controller by no later than March 10, 2008. Although standards

established by OMB do not apply to the Judicial Branch, it should be noted that OMB has established a budget reduction amount goal for Executive Branch agencies of three percent of the agency's operating budget as recommended in the Governor's FY 2009 budget, less appropriations for energy, debt service and one-time items.

BY THE COURT:



Chief Justice

c: The Honorable Ruth Ann Minner
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 Lawrence Sullivan
State Court Administrator
Court Administrators
Clerk of the Supreme Court
Counsel to the Governor
Chair Senate Judiciary Committee
Chair House Judiciary Committee