

**CHIEF JUSTICE LEO E. STRINE, JR.**  
**STATE OF THE JUDICIARY ADDRESS**  
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**OVERVIEW**

The Chief Justice identified the following goals, to meet the challenges of the future:

- Enhance options for cost-effective and timely dispute resolution practices;
- Maximize use of limited resources;
- Identify flexible funding solutions for Judicial Branch needs;
- Increase investment in employees, infrastructure, and technology;
- Improve access to justice for Delaware citizens; and
- Address work/life balance issues.

The Chief Justice opened his remarks by stressing the importance of working with the legal community to develop more innovative ways to do business and stated: “We got to where we are today because our predecessors prepared to meet the challenges of the future. The legacy they left us comes with the corresponding responsibility to act as stewards for coming generations.”

**Involving the Bar and Our Constituents in Setting an Agenda for the Future**

To help meet those challenges, Chief Justice Strine announced plans to conduct a comprehensive review of Judicial Branch operations. The Delaware Chapter of the American College of Trial Lawyers (ACTL), with input from leaders of the Delaware State Bar Association (DSBA) and partners of the Judicial Branch, will conduct a survey giving practitioners the chance to provide confidential input about how the court system is doing in all the key practice areas. The goal of this “ground-up” approach is to develop the outline of a policy agenda to address long-term needs and “further enhance the type of Bench-Bar collaboration that is a hallmark of Delaware’s legal tradition.”

While this process is critical to helping set the long-term agenda for the Judiciary, the Chief Justice also outlined certain critical issues that need immediate focus and attention.

**Meeting the Business World’s Need for Cost-Effective  
and Timely Dispute Resolution**

Maintaining and growing Delaware’s reputation for being the premier venue to address the business world’s need for cost effective and timely dispute resolution, must be a top priority. Delaware’s appeal “to those who form entities in the United States...is clear from the fact that 83% of domestic IPO’s last year involved Delaware entities,” said Strine. But, he warned, “advantage must be earned constantly” particularly where there is serious national and international competition for business.

The Chief Justice noted that the Governor, the Corporate Law Council, and key sections of the Bar, with assistance from the Courts, are working on new initiatives to add to “Delaware’s proven ability to help resolve commercial disputes swiftly and expertly” by offering business

entities a “cost-effective, voluntary means to resolve business disputes...if they are willing to forego the costs of lengthy proceedings and full-blown discovery.” The purpose is to attract entrepreneurs around the world to form entities in Delaware by promoting Delaware’s well-developed corporate law and ability to deliver “well-reasoned decisions with real world business speed.”

### **Managing Our Limited Resources More Effectively**

Recognizing the likelihood of continued modest state revenue growth, the Chief Justice stressed the importance of learning to do more with less -- challenging the Judiciary to consider new ways of doing business through technology and rethinking old processes, including the following:

- **Consistent statewide problem-solving courts:** establish consistent, statewide standards and benchmarks for operations in problem-solving courts based on objective criteria.
- **Criminal Justice system:** rethink ways to deploy scarce treatment resources to reduce recidivism and improve the consistency of sentences for similarly situated offenders.

### **Giving the Judicial Branch the Autonomy and Flexibility to Operate More Efficiently and Effectively**

The Chief Justice called for more autonomy and flexibility with Judicial Branch funding. The Judicial Branch continues to look for ways to fund initiatives without increased reliance on the General Fund. “To do that, however, we also need to have the corresponding flexibility to deploy non-General Fund sources of revenue ourselves *and* on a dependable basis,” said the Chief Justice. He continued, “If we can implement that concept with the Governor and Joint Finance Committee in good faith, there is room for us to make needed improvements in key areas such as technology and our human capital with less-burden to state taxpayers.”

### **Investing In Our Key Capital: Our Employees**

“The highest priority of our Judiciary ... is to obtain some increase in compensation for our employees,” said Strine. Focusing particularly on Wilmington-based employees, the Chief Justice noted that these employees have been treated inequitably because they are forced to pay for parking when employees in other locations have free parking. The average wage for a New Castle County Courthouse employee is between \$30,000 and \$40,000 a year, while the annual cost for parking in Wilmington is approximately \$1,500. On this point, Chief Justice Strine stated that this is not just a question of fairness, “we end up losing good employees to other better-paying, less stressful jobs.”

### **Dignified and Safe Courthouses Are Essential to Doing Justice**

Chief Justice Strine emphasized the need to reinvest in physical capital, pointing to the substandard conditions at the Family Court in Sussex and Kent Counties. In his speech, Strine said, “We are open to new modes of thinking, including the possibility of meeting future needs by building a single-high quality facility in a location convenient to citizens of both counties and using that facility in concert with smaller sites in the traditional county seats to handle other less security-sensitive cases.”

## **The Smart Use of Technology**

Chief Justice Strine challenged the Judicial Branch to embrace technology in an effective way to maintain its competitive advantage in a changing world. In so doing, the Chief Justice signaled his intention to seek support from the General Assembly and the Governor through stable and predictable technology funding plan to include several key elements:

- create a statewide high quality e-filing system for both civil and criminal cases;
- develop a comprehensive case management system through a public-private partnership approach at a net benefit, not cost, to state taxpayers;
- identify one effective approach to court paper-flow processes to be used by all courts; and
- deploy consistent Judiciary-wide approaches to purchasing and replacing technology to secure cost savings and service efficiencies.

## **Increasing Access to Justice for Ordinary People**

Chief Justice Strine noted the important work of the recently established Access to Justice Commission which will explore a number of initiatives aimed at ensuring access to justice for all Delaware citizens:

- ensure that the organizations that provide legal services to the poor are coordinated and deploy limited resources efficiently;
- explore creative means to address funding gaps;
- encourage increased pro bono service from the Bar;
- create training opportunities and additional resources to support solo and small practices;
- confront the economic realities that make it difficult for lawyers to provide legal services to middle class clients;
- examine whether representation by paraprofessionals, or more limited forms of representation by lawyers themselves, is appropriate in certain areas of critical need, such as family law or landlord-tenant law; and
- consider what steps the Judicial Branch might take to address the disturbing racial disparity of citizens who are incarcerated.

## **Making It Easier To Be a Lawyer and a Good Spouse and Parent**

The Chief Justice also remarked on the ever-increasing demand on lawyers by clients seeking quick responses to complicated questions. With the onslaught of 24/7 technology “[n]o hour of the day is left for lawyers to be with their families, undisturbed by client and business interruption.” The ACTL will explore through the survey “the ways in which the courts might help lawyers strike a better work-life balance...without diminishing the quality we all expect of ourselves.

In closing, Chief Justice Strine thanked the members of the Bar for their service to the public and the cause of justice, and stated: “Without the continued dedication of an amazing Bar of lawyers, our state would not be as prosperous and not have the reputation it has.”