

SUPERIOR COURT



SUPERIOR COURT



PRESIDENT JUDGE JAN R. JURDEN

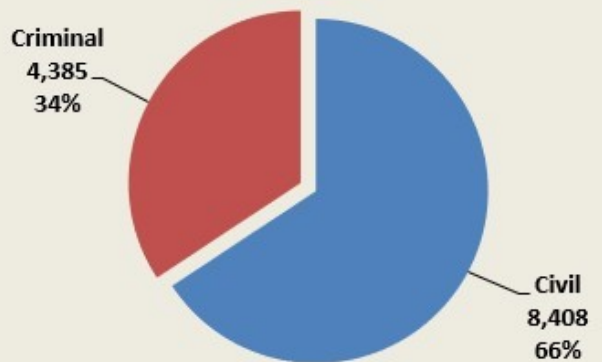
“Change is the only constant in life.” Heraclitus, Greek Philosopher.

Superior Court is embracing the ever-changing work environment. Like everyone, sometimes reluctantly, sometimes eagerly. All our employees and all aspects of our core functions have been affected and continue to be affected by the fluid landscape brought by the pandemic. While the pandemic started the Superior Court on this epic journey, along the way we have learned much. In order to maintain and remain true to Superior Court’s long standing mandated mission – to serve the public by providing fair, prompt and well-reasoned decisions in all matters coming before the Court – our Superior Court team, judicial officers and staff contributed ingenuity, creativity, hard work, flexibility and cooperation to fulfill this critical mission. The outstanding effort and dedication demonstrated through this seemingly endless difficult period was remarkable. It was through every Court employee’s adherence to our core values **“UNITED”** – Unity, Neutrality, Integrity, Timeliness, Equality and Dedication that allowed us to carry on court business despite

the pandemic in FY 21.

COVID’s safety concerns continued to impact all court processes in FY 21 and, in response, the Superior Court added additional remote/virtual civil and criminal proceedings and processes. On the criminal side, the Court, through the partnership and coordination of the Judicial Information Center, sustained the collaborative work with its justice partners started the previous year. Working in such a collaborative manner enabled judicial branch technology to work in concert with executive branch

**NUMBER OF SUPERIOR COURT FILINGS
BY TYPE, FY 2021**



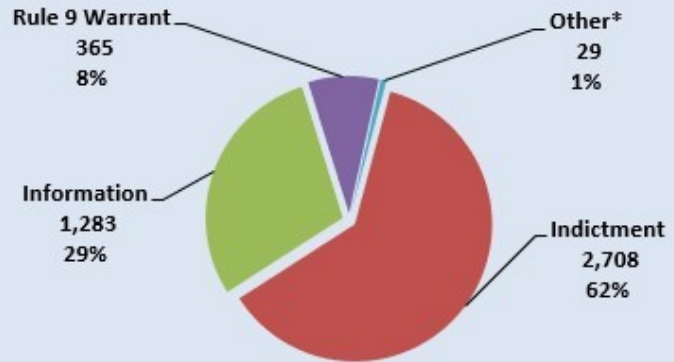
Continued on next page

SUPERIOR COURT

technology and permitted enhanced communications between the Courthouses in all three counties, the Department of Correction institutions, and Probation and Parole offices. This enhanced technology enabled the Court to hold additional remote hearings with probationers and incarcerated individuals. While this extraordinary effort began the year before, without the continuous involvement and cooperation of these agencies and their experienced dedicated employees, the Court would not have been able to continue to perform its core functions. The Court continues to be extremely grateful for the exceptional teamwork and collaboration of all the Courts, the Administrative Office of the Courts, the Judicial Information Center, and our criminal justice partners. The Court is also grateful for the continued input and flexibility of the Civil Bar who worked with us to present important matters remotely.

In addition to technology, communication and patience were key. The sustained use of teleconferences to have ongoing discussions with justice partners allowed us to exchange critical information,

NUMBER OF SUPERIOR COURT CRIMINAL FILINGS BY TYPE FY 2021



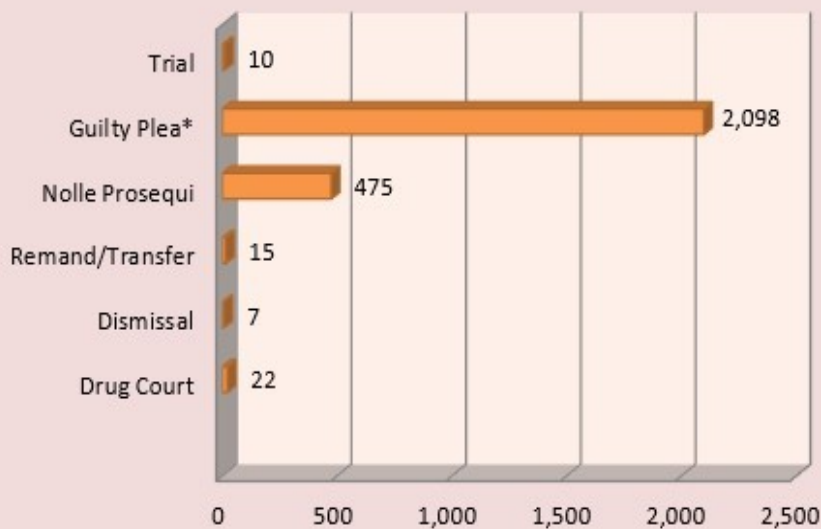
*Includes appeals, transfers, reinstatements, and severances.

raise issues and concerns, problem-solve and plan – in real time. Because of this, we were able to quickly adjust and adapt our processes to address issues raised by our partners and effectively implement innovative changes in response to this ever-changing and uncertain landscape.

Each year the Superior Court handles thousands of civil and criminal filings and cases. In FY 2021, we had 8,408 civil filings and 4,385 criminal filings. (The criminal filings include 37 Murder 1st cases in FY 21.) Due to the ongoing pandemic, FY 2021 continued to be different in many ways, including how cases and filings were processed, the temporary interruption of certain services, and the limited number of proceedings the Court was able to schedule.

On the criminal side, the Court continued to handle a large number of first-degree murder and serious felony cases, including several complex multi-defendant gang participation and criminal racketeering cases. During the pandemic, the Court was able to conduct 2,764 criminal proceedings remotely. On the civil side, thanks to electronic filing, the pandemic did not disrupt most civil filings to the extent it did criminal. And, thanks to technol-

NUMBER OF SUPERIOR COURT CRIMINAL DISPOSITIONS BY METHOD FY 2021



*Includes Probation Before Judgment.

**First Offender Program.

SUPERIOR COURT

ogy and the unending help of the Judicial Information Center, as with criminal matters, we were able to maintain our modified processes and handle 395 civil proceedings remotely/virtually.

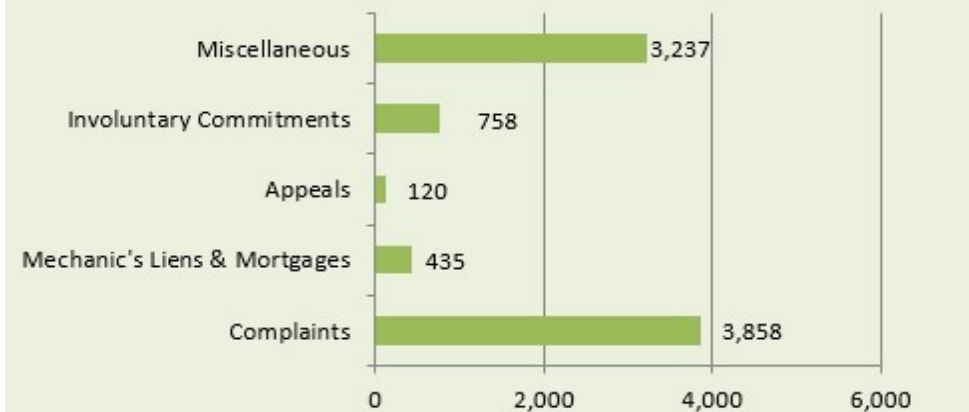
Through our Bench-Bar Liaisons, the Court continued to receive helpful suggestions, ideas, and feedback from civil and criminal law practitioners. That information proved very useful as we considered how to best implement remote/virtual civil proceedings during all phases of COVID-19 and consider what modified processes to adopt permanently. The disruption and many challenges presented by COVID caused the Court to take a hard look at its current practices and make changes to facilitate remote/virtual proceedings, improve efficiency, and better use of our limited resources. The Court is committed to listening to feedback from the Bar and our justice partners and improving our processes as needed to best serve the Bar and the public.

From July 1, 2020, to June 30, 2021, the Superior Court issued 508 civil opinions to include 101 Complex Commercial Litigation opinions and orders and 209 criminal opinions and orders. Many of these civil and criminal opinions and orders are posted on the Court's webpage. In addition to posting opinions and orders on its webpage, the Court distributes its Administrative Directives, Administrative Orders, Rule Changes and Standing Orders through the Bar's

Listserv. The Court's webpage is routinely updated with new information to keep the Bar and the public informed. This webpage also provides useful information on court processes, forms, schedules, and other material to aid in navigation of the court system.

In response to COVID-19, Governor Carney continued to issue modifications to the State of Emergency which impacted Court processes. The Governor's State of Emergency and the federal government's passage of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") originally established a moratorium on mortgage foreclosures, evictions, and summary possessions. The Court worked with the Department of Justice and the Governor's Office on the implementation of this moratorium on new filings, previously filed matters, and those matters currently involved in Superior Court's Automatic Residential Mortgage Foreclosure Mediation Program. Effective July 1, 2020, the Governor's Twenty-Third Modification of the State of Emergency lifted certain stays on residential mortgage foreclosures commenced prior to the declaration of the State of Emergency. Thereafter on September 3, 2020, the Governor's Twenty-Seventh modification of the State of Emergency lifted the stay on all deadlines in residential mortgage foreclosure actions commenced prior to the state of emergency. The Centers for Disease Control and Prevention ("CDC") eviction moratorium was set to expire on December 31, 2020. Congress extended the moratorium through January 2021 and President Biden further extended the moratorium through March, June, and July 2021. On August 3, 2021, the CDC announced a limited eviction moratorium through October 3, 2021. To appropriately address the changing restrictions brought about by modifications to the State of Emergency and numerous federal entities on what actions could be taken on various mortgages, the Superior Court issued Administrative Orders requiring compliance with all federal, state, local and municipal statutes, orders, restrictions, and preclusions. The

**NUMBER OF SUPERIOR COURT CIVIL FILINGS
BY TYPE FY 2021**



Continued on next page

SUPERIOR COURT

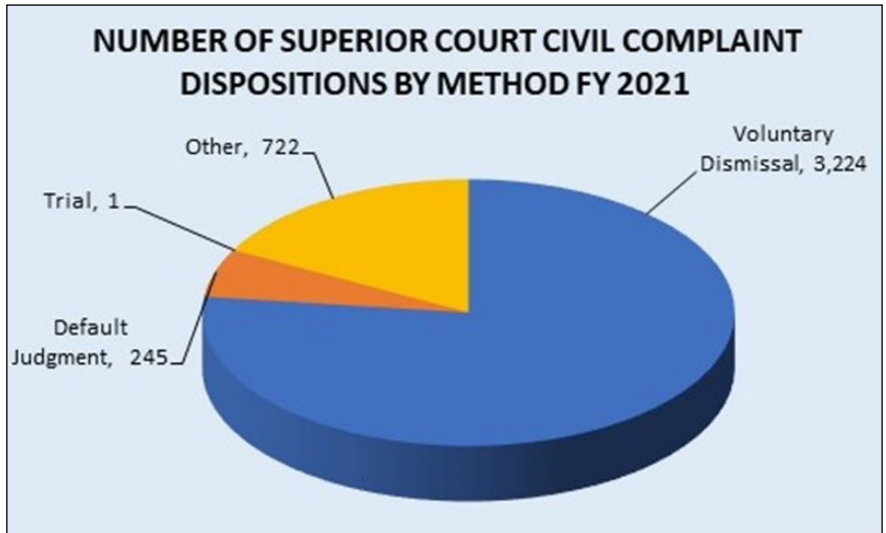
moratorium on foreclosure matters resulted in 381 mortgage and 54 mechanics lien filings statewide, a decrease from the previous year.

Our acclaimed Complex Commercial Litigation Division (“CCLD”) remained steady in new filings in FY 21, with 123 new cases filed. CCLD cases include complex commercial/business disputes with an amount in controversy of \$1 million or more. Judges Mary M. Johnston, Eric M. Davis, Paul R. Wallace, and Abigail M. LeGrow expertly handle these cases. In addition to the specialized CCLD docket, the Court has a large docket of mass torts and asbestos cases.

Judges Rennie and Adams handle the asbestos cases. As of June 30, 2021, there were 661 mass tort cases, 601 asbestos cases and 216 CCLD cases pending. During the pandemic, the use of virtual/remote hearings in the CCLD, mass tort and asbestos cases has proven successful. The Court believes that the continued use of virtual/remote hearings after the pandemic will promote judicial economy.

Along with managing our heavy civil and criminal caseloads, the Court expended significant time and resources preparing for the resumption of jury trials under COVID-19 safety protocols. This involved, for example, courtroom modifications, including installation of clear safety barriers and reconfiguration of juror seating in the courtrooms, and modified processes and procedures to ensure the safety and well-being of employees, jurors, litigants, witnesses, and members of the press and public.

The Court continued to summon jurors for service in the Superior Court and the Court of Common Pleas in all three counties. In adherence with the Chief Justice’s Reopening Plan, the Court did not summons any jurors through the end of June 2020. In June, the Chief Justice established a Jury Committee composed of judges and administrators to study and evaluate courthouse structures and jury processes in all three counties and provide a comprehensive report with recommendations as to how we could resume jury trials safely during COVID-19. The Commit-



tee’s report, adopted by the Supreme Court, was the blue print we followed as we prepared to resume criminal jury trials in late October. After holding one trial in Kent County Superior Court, the trials were again put on hold due to pandemic-related safety concerns in November. With the installation of protective barriers around jurors and the use of courtrooms as jury rooms, to allow for additional spacing of jurors, the Court resumed jury trials in June. In FY 21, the Court held 10 criminal jury trials and 9 civil bench trials.

As long as the pandemic continues, the Court will continue to review its jury management plan to ensure that we implement and maintain all necessary safety precautions and practices for the resumption of jury trials.

Our improved Jury Management System enables jurors to complete their juror questionnaires and request for rescheduling or excusal online. We added additional questions to the questionnaire to address COVID-19 safety and concerns. To meet appropriate social distancing guidelines, we made modifications to the Jury Services Department in each courthouse. These include installation of safety barriers and the creative use of technology.

The right to trial by jury is the bedrock of our criminal and civil justice system. As such, we continue to scrutinize and update our processes in an effort to

SUPERIOR COURT

minimize juror inconvenience and maximize juror safety during this pandemic and into the future.

Superior Court’s Problem-Solving Courts continue to work with justice partners in an ongoing effort to improve outcomes for participants, reduce recidivism and improve public safety. The Mental Health Court (“MHC”) presided over by the following judicial officers: in Sussex County, Judge Conner replaced retired Resident Judge Stokes; in New Castle County, Court of Common Pleas Judge Mayer was cross designated to handle Superior Court cases following the retirement of Judge Rocanelli; and in Kent County Commissioner Freud. Two retired judges, Resident Judge Witham, and Resident Judge Stokes were specially designated to sit and handle the Veterans Treatment Courts in Kent and Sussex Counties. Judge Wallace continues to handle this problem-solving court in New Castle County. Resident Judge Butler, who presides over New Castle County Superior Court’s Reentry Court, continues his work as Superior Court’s representative on the Delaware Correctional Reentry Commission (“DCRC”) established by Governor Carney’s Executive Order No. 27. The DCRC issued its final report on December 31, 2020. Resident Judge Butler’s reentry work with the DCRC continues as this Commission transitions under the Family Services Cabinet Council.

Over the past years, applications for Concealed Carry Permits have increased exponentially. Currently, the Court has a manual process to receive, submit to

the Department of Justice (“DOJ”) for review and approve these applications. The Court is working with the DOJ to identify and implement a more efficient manner to address these applications. The statistics for these applications along with other court related statistics are available on the Superior Court’s website. The Court continues to provide information regarding its workload on the Court’s website for public access.

The Superior Court is privileged to have extremely hardworking, dedicated, and loyal staff who work tirelessly to provide excellent service. Our staff is our greatest resource. The staff’s efforts during this unprecedented time are astonishing. Their outstanding work ethic, flexibility, and innovation make us proud. The safety and well-being of our employees remains in the forefront of each decision made during this unparalleled time. Superior Court’s employees have shown their commitment to the Court and the citizens of Delaware during an extremely difficult time, and we are grateful.

Fiscal Year 21, like Fiscal Year 20, continues to bring many personnel changes. In New Castle County, we welcomed Lisa Fontello as the new Prothonotary. Lisa’s, long career with the judicial branch began in 1999 with the Court of Common Pleas. She then moved to Superior Court in 2012. She has held many positions in our Court, before being appointed the Prothonotary. New Castle County also welcomed a new Chief Deputy Prothonotary – Mark Senigo. He started his career with the



Continued on next page

SUPERIOR COURT

Superior Court in 2009 in Jury Services. His steadfast hard work has been recognized with his promotion to Chief Deputy Prothonotary. Additionally, the Court welcomed thirty-one (31) new employees this fiscal year, but continues to struggle to maintain staff in light of the pandemic and low wages.

Regarding Judicial changes we said goodbye to several of our colleagues. Resident Judge Richard F. Stokes retired on January 31, 2021. Resident Judge



The Honorable Danielle J. Brennan takes the oath of office on Sept. 9, 2021 in courtroom 7B of the Leonard L. Williams Justice Center.

William L. Witham retired on May 14, 2021, and Judge Andrea L. Rocanelli retired on May 21, 2021. These retirements resulted in the elevation of Judge Craig A. Karsnitz to Resident Judge of Sussex County on February 2, 2021, and the elevation of Judge Jeffrey J Clark to Resident Judge of Kent County on May 17, 2021. The Court was pleased to welcome three new Judges: Robert H. Robinson, Jr. as Judge in Sussex County on February 5, 2021; Reneta L. Green-Streett as Judge in Kent County on May 26,

2021; and Danielle J. Brennan as Judge in New Castle County on July 1, 2021.

Notwithstanding this seemingly unending pandemic, heavy workloads, staff shortages, changing processes



The Honorable Reneta L. Green-Streett takes the oath of office on May 26, 2021 in courtroom 1 at the Kent County Courthouse.

and uncertainty as to when we can return to a “new normal,” Superior Court is embracing change and stands UNITED in our continuing efforts to provide exemplary service to those we are honored to serve. ♦

SUPERIOR COURT



SUPERIOR COURT JUDGES

Top Row (left to right): Judge Danielle J. Brennan; Judge Mark H. Conner; Judge Meghan A. Adams; Judge Sheldon K. Rennie; Judge Noel Eason Primos; Resident Judge Craig A. Karsnitz; Judge Francis J. Jones, Jr.; Judge Robert H. Robinson, Jr.; Judge Reneta L. Green-Streett.

Middle Row (left to right): Resident Judge Jeffrey J. Clark; Judge Vivian L. Medinilla; Judge Eric M. Davis; Resident Judge Charles E. Butler; Judge Paul R. Wallace; Judge Ferris W. Wharton; Judge Abigail M. LeGrow.

Bottom Row (left to right): Judge Mary Miller Johnston; Judge William C. Carpenter, Jr.; President Judge Jan R. Jurden; Judge Calvin L. Scott, Jr.; Judge Diane Clarke Streett.

Continued on next page

SUPERIOR COURT



SUPERIOR COURT COMMISSIONERS

Top Row (left to right): Commissioner Alicia B. Howard; Commissioner Andrea M. Freud; Commissioner Lynne M. Parker.

Bottom Row: Commissioner Janine M. Salomone.

SUPERIOR COURT

IN MEMORIAM

The HONORABLE ROBERT B. YOUNG



The Superior Court of the State of Delaware expresses condolences to family, friends and coworkers of retired Superior Court Judge Robert B. Young who passed away on February 24, 2021.

“Judge Young was a great colleague, a cherished friend and a wonderful human being. He loved the Superior Court, he loved his Superior Court family, and he loved helping others,” said Superior Court President Judge Jan R. Jurden.

Judge Young, 77, was appointed to the bench in February 2005 as a Superior Court Judge for Kent County by Governor Ruth Ann Minner. He retired from full-time service in March 2017, though he returned to assist the Court periodically by special designation.

In addition to his distinguished work on the bench, where he headed the Kent County Mental Health Court, Judge Young was well known for his work outside of court, particularly his comedic song-writing abilities. He is the author of *The Trial of Elinor Ruttee*, a musical celebrating 300 years of Court on *The Green in Dover*; *Macbeth—A Family Musical*; *A Tale of Two Cities—The Rock Opera*; *Moby Dick—A Maritime Musicale*; *An American Tragedy—A Comedy*; *Madame Bovary—Ho, Ho, Ho*; *The Crucible—Plymouth Rocks*; *The Public Enemy: Runnin’ Wild*, and *The Tennessee Waltz*. Nearly all performances involved members of the Delaware State Bar Association and proceeds of the shows were donated to charity, particularly the Combined Campaign for Justice that provides legal assistance to the indigent.

“He had a rare combination of historical knowledge of musical theater and an ear for everything interesting before 1975 and a stubborn tenacity to have things done the way he wanted them done,” said Family Court Judge James McGiffin, who frequently performed with Judge Young. “He had a large measure of creative and comedic genius.”

Judge Young was also a valued member of the *Miracle on 34th Street* cast that performs the courtroom scene from the classic 1947 movie for school children at Delaware courthouses each holiday season. Judge Young performed in a variety of roles and most recently he appeared as the psychiatrist in one of the December 2020 performances, which was held by Zoom due to the pandemic.

Prior to joining the Court, Judge Young began his career practicing law in Dayton, Ohio in 1969. He was admitted to the Delaware Bar in 1975 and opened a practice in Dover. In 1996, his son joined the firm and they practiced as Young & Young until he was appointed to the bench. After he retired from Superior Court he joined the firm Reger Rizzo & Darnall LLP.

Judge Young was also a past president of the Delaware State Bar Association and the Delaware Chapter of the American Board of Trial Advocates. He was a past counselor of the Terry-Carey Inn of Court, and was the recipient of its Professionalism Award. He also received a number of other legal and community-based awards, including the Shofar Judicial Award for Outstanding Service, the ABOTA Distinguished Service Recognition Award, the Combined Campaign for Justice’s Appreciation Recognition, and the American Inns of Court Award for Professionalism, among others.