



STATE OF DELAWARE  
THE COURTS OF THE JUSTICES OF THE PEACE  
820 NORTH FRENCH STREET, 11TH FLOOR  
WILMINGTON, DELAWARE 19801

NORMAN A. BARRON  
CHIEF MAGISTRATE

TELEPHONE: (302) 571-2485

POLICY DIRECTIVE 81-036

TO: ALL JUSTICES OF THE PEACE  
STATE OF DELAWARE

FROM: NORMAN A. BARRON  
CHIEF MAGISTRATE

DATE: MARCH 18, 1981

RE: IMPLEMENTATION OF THE CHIEF JUSTICE'S ADMINISTRATIVE  
DIRECTIVE NUMBER THIRTEEN, REVISED

There is a continuing need, at all Court levels, to decrease the time it takes from filing a complaint until disposition. One such component of the judicial case flow process concerns the time it takes when a case is taken under advisement until the decision is rendered. It is not uncommon for a Judge to reserve decision enabling the Court to receive briefs or to research an issue prior to rendering a decision on the case. It has been the long-standing practice of the Courts of the Justices of the Peace that in such cases, the decision should, if at all possible, be rendered within thirty (30) days from the date on which the case was taken under advisement. The thirty (30) day period is considered as a reasonable one.

Chief Justice Daniel L. Herrmann is acutely interested in all Court systems of the State. As the Chief Justice of Delaware, he is the administrative head of all of the Courts in the State. Del.Const. Art. 4, Sec. 13. As such, he is desirous of having a continuing record of the status of each matter being held under advisement for decision by; inter alia, each Justice of the Peace for more than 30 days. To gain this information he has, under date of March 16, 1981, promulgated Administrative Directive Number Thirteen, Revised, a copy of which is attached hereto. Under said Directive, it is my responsibility as Chief Magistrate to furnish to the Chief Justice on the 1st day of each month a report of each matter being held under advisement by each Justice of the Peace for more than 30 days as of the 20th day of the previous month, such report to be submitted on the form which accompanies this Policy Directive.

Therefore, I request that each Justice of the Peace who has had, as of the 20th day of the month, a case under advisement for more than 30 days, to please forward the following information to me starting on March 21, 1981 and continuing on a monthly basis thereafter:

1. Name of Justice of the Peace;
2. Name of case and case number;
3. Date case was taken under advisement; and
4. Reason for delay in rendering a decision.

Thank you for your cooperation.

NAB:pm

Attachments (2)

cc: The Honorable Daniel L. Herrmann  
John R. Fisher  
Arthur R. Carello

SUPREME COURT OF DELAWARE

DANIEL L. HERRMANN  
CHIEF JUSTICE

THE STATE OFFICE BUILDING  
WILMINGTON, DELAWARE 19801

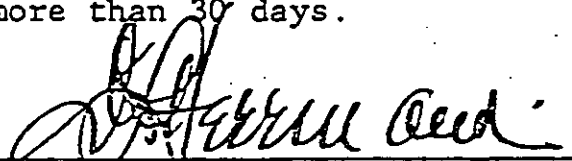
ADMINISTRATIVE DIRECTIVE NUMBER THIRTEEN, REVISED

This 16<sup>th</sup> day of March, 1981,

IT APPEARING:

That the Chief Justice should have, for the better performance of his duties under Del. Const. Art. 4, Sec. 13, a continuing record of the status of each matter being held under advisement for decision by each Judge of the Court of Chancery and the Superior Court for more than 90 days, and by each Judge of the Family Court, the Court of Common Pleas, the Municipal Court, and the Justice of the Peace Courts for more than 30 days.

NOW, THEREFORE, IT IS DIRECTED (Del. Const. Art. 4, Sec. 13): That, henceforth; the Chancellor and the President Judge of the Superior Court furnish to the Chief Justice on the 1st day of each month, a report of each matter being held under advisement by each Judge of his Court for more than 90 days as of the 20th day of the previous month, such report to be submitted on the attached form; and that the Chief Judge of the Family Court, the Court of Common Pleas, and the Municipal Court, and the Chief Magistrate of the Justice of the Peace Courts, furnish a like report for each matter held under advisement for more than 30 days.

  
\_\_\_\_\_  
Chief Justice

NOTE: The purpose of this Revision is to add the Justice of the Peace Courts to the other Courts for which Reports have been submitted since March 3, 1975.

JUSTICE OF THE PEACE COURTS

\_\_\_\_\_, 1981 Report

Name  
and Number  
of Case

Date  
Submitted

Reason for Delay

Justice of the Peace



STATE OF DELAWARE  
THE COURTS OF THE JUSTICES OF THE PEACE  
820 NORTH FRENCH STREET, 11TH FLOOR  
WILMINGTON, DELAWARE 19801

NORMAN A. BARRON  
CHIEF MAGISTRATE

TELEPHONE (302) 571-6001

POLICY DIRECTIVE 81-036 (SUPPLEMENT)

TO: ALL JUSTICES OF THE PEACE  
STATE OF DELAWARE

FROM: NORMAN A. BARRON  
CHIEF MAGISTRATE *Norman A. Barron*

DATE: NOVEMBER 18, 1987

RE: IMPLEMENTATION OF THE CHIEF JUSTICE'S ADMINISTRATIVE  
DIRECTIVE NUMBER THIRTEEN, REVISED AS OF NOVEMBER 6, 1987

A copy of the Revised Administrative Directive Number Thirteen is attached hereto. The revision does not impact on Justices of the Peace reporting responsibilities. See: Policy Directive 81-036, dated March 18, 1981.

I note in passing that since the promulgation of said Policy Directive, no Magistrate has ever filed the information required by the Directive. This in the face of the fact that I know of several instances where Magistrates have kept cases under advisement for several weeks past the 30 day limit. I request that we all be more forthright in our responsibilities as set forth in the Policy Directive. Those who hold cases longer than 30 days will not be punished or put to the whipping post. The purpose is simply to see if pressures of our court system are

becoming acute. It is in the system's best interests that accurate reporting be made in this area. I am confident that we all will cooperate in this effort.

NAB:pn

cc: The Honorable Andrew D. Christie  
Michael E. McLaughlin  
File [P36(S)]

SUPREME COURT OF DELAWARE

ANDREW D. CHRISTIE  
CHIEF JUSTICE

THE ELBERT N. CARVEL  
DELAWARE STATE BUILDING  
820 NORTH FRENCH STREET  
P. O. BOX 1997  
WILMINGTON, DELAWARE 19899

Corrected 11/12/87

ADMINISTRATIVE DIRECTIVE NUMBER THIRTEEN, REVISED

This 6th day of November, 1987,

IT APPEARS that:

Administrative Directive Number Thirteen as promulgated on December 31, 1974, revised on March 3, 1975, and revised again on March 16, 1981, should be further revised to read as follows:

The Chief Justice should have, for the better performance of his duties under Del. Const. art 4, § 13, a continuing record of the status of each matter being held under advisement for decision by each Judge of the Court of Chancery, the Superior Court, and the Family Court for more than 90 days, and by each Judge of the Court of Common Pleas the Municipal Court, and the Justice of the Peace Courts for more than 30 days.

NOW, THEREFORE, IT IS DIRECTED (Del. Const. art. 4, § 13): that, henceforth, the Chancellor, the President Judge of the Superior Court, and the Chief Judge of the Family Court furnish to the Chief Justice on the 1st day of each month, a report of each matter being held under advisement by each Judge of his Court for more than 90 days as of the 20th day of the previous month, such report to be submitted on the attached form; and that the Chief Judge of the Court of Common Pleas and the Municipal Court, and the Chief Magistrate of the Justice of the Peace Courts, furnish a like report for each matter held under advisement for more than 30 days.

Andrew D. Christie  
Chief Justice

NOTE: The purpose of this revision is to provide that the reports from Family Court are to include cases held under advisement for decision for more than 90 days (rather than 30 days as heretofore).





STATE OF DELAWARE  
THE COURTS OF THE JUSTICES OF THE PEACE  
820 NORTH FRENCH STREET, 11TH FLOOR  
WILMINGTON, DELAWARE 19801

PATRICIA WALTHER GRIFFIN  
CHIEF MAGISTRATE

TELEPHONE: (302) 577 - 6001

**POLICY DIRECTIVE 81-036 (2ND SUPPLEMENT)**

TO: ALL JUSTICES OF THE PEACE  
ALL CLERKS OF COURT,  
STATE OF DELAWARE

FROM: PATRICIA W. GRIFFIN *PWG*  
CHIEF MAGISTRATE

DATE: February 3, 1994

RE: **IMPLEMENTATION OF THE CHIEF JUSTICE'S  
ADMINISTRATIVE DIRECTIVE NO. 94, REVISED**

Attached is the Chief Justice's new Administrative Directive No. 94, related to reporting of cases under advisement for more than 30 days, which supersedes all earlier Directives. This Directive becomes effective on March 1, 1994. Please review the Directive carefully.

To my knowledge, the Justice of the Peace Courts have failed to comply with the Chief Justice's Administrative Directive No. 94 since 1989. I know that Justices of the Peace do an outstanding job in complying with the policy that decisions on cases be rendered within 30 days of the date the case was taken under advisement. However, I'm certain there are instances that

judges are unable to satisfy that requirement, for various reasons. In addition, because judges handle a multitude of cases at different courts, it may be difficult to keep track of the 30 day date for all of their cases. As Judge Barron indicated in Policy Directive 81-036 (Supplement), the intent of the 30 day requirement is to track the pressures on the court system so that problems can be resolved (and assistance provided) before they become serious.

Since we are required to comply with Administrative Directive No. 94, this supplement is intended to remind Judges of that 30 day obligation, to advise them of the new Policy Directive, and make the following changes in procedure for gathering information on cases kept under advisement for more than 30 days:

1. I request that the Chief Clerk of each court advise each Justice of the Peace on the 20th day of each month of those cases which will be held under advisement by the Justice of the Peace for more than 30 days as of the last day of the month. For example, if a Justice of the Peace hears a case on February 7th, the 30 day period would end on March 7th. If no written decision on this case has been completed by March 20th, the Chief Clerk should provide the name of this case to the Justice of the Peace on March 20th.
2. A "matter under advisement" means any case, motion, or other

proceeding in which all required actions have been completed by the parties, and the parties await a judicial decision. This definition includes any case where there has been a hearing, no briefs or other submissions are expected from the parties, and a Justice of the Peace has not yet made a decision or has scheduled a "follow-up" hearing at a later date (unless the proper mediation procedures are followed). [It is not proper practice to hear all the evidence in a case and then make no decision, pending the parties' actions over an extended period of time, unless the case is one that can be mediated in New Castle County pursuant to Policy Directive 80-015, and the procedures for mediation followed.] In addition, "matters under advisement" include those cases which are decided from the bench but which the Justice of the Peace has promised to provide a written decision.

3. On the last day of each month, I request that each Chief Clerk of Court provide me with the following information on cases which have been under advisement for more than 30 days as of that date:

1. Name of Justice of the Peace,
2. Name of case and case number,

3. Date case was taken under advisement,
4. Reason for delay in rendering decision, and
5. Target date/plan for issuing decision (the target date should not be later than the 15th of the next month without good cause and obtaining the Chief Magistrate's approval.)

A sample reporting sheet is attached for your convenience.

4. Information on #4 and #5 above shall be provided by the Justice of the Peace to the Chief Clerk on all cases held under advisement for more than 30 days as of the last day of the month. If the target date exceeds the 15th of the next month, the Justice of the Peace is responsible for obtaining the Chief Magistrate's approval.
5. On or before the 10th day of the month, I report to the Chief Justice concerning cases held under advisement for more than 30 days as of the last day of the preceding month.

I reiterate that the purpose of this policy is not to punish Justices of the Peace who have cases under advisement for more than 30 days, but to enable us to recognize when a continuing problem exists and to take steps to resolve that situation.

If you have any questions concerning this Directive, please do not hesitate to contact your Deputy Chief Magistrate, Operations Manager, or me.

Thank you, in advance, for your assistance.

PWG:lba  
Attachment.

cc: The Honorable E. Norman Veasey  
The Honorable Andrew G.T. Moore, II  
Thomas W. Nagle  
Anna A. Lewis  
H. John Betts  
Law Libraries: New Castle, Kent, Sussex, Widener University  
School of Law

JUSTICE OF THE PEACE COURTS NO. \_\_\_\_\_ \*

Justice of the Peace

Name & Number  
of Case

Date  
Submitted  
For Decision

Reason  
For Delay

Target Date  
For Issuance  
Of Decision

\* Please forward completed form to the Chief Magistrate no later than the 30th of each month. There is no need to forward a blank form if there are no cases in your Court being held under advisement for more than 30 days at the end of a particular month.

SUPREME COURT OF DELAWARE

E. NORMAN VEASEY  
CHIEF JUSTICE

DELAWARE STATE OFFICE BUILDING  
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WILMINGTON, DELAWARE 19899  
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**ADMINISTRATIVE DIRECTIVE NUMBER 94**

This 1st day of February 1994,

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 clarifying and expanding 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 and each Judge of the Court of Chancery, the Superior Court, and the Family Court for more than 90 days; and (b) each Judge of the Court of Common Pleas, the Municipal Court, and the Justice of the Peace Courts 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;

C. The Chief Judges of the Court of Common Pleas and the Municipal Court, and the Chief Magistrate of the Justice of the Peace Courts 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

D. Each report shall include the following information:

1. Name of the Court;
2. Whether the report is for matters under advisement for more than 30 days or 90 days;
3. Date the report is submitted;
4. Inclusive dates of the report;
5. Name of the Justice 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, which plan shall be endorsed by the presiding judge of the court involved.

E. For purposes of this Administrative Directive, the following definitions 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.

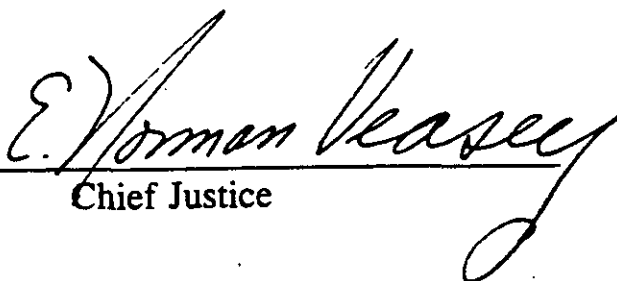
2. "Reason for delay" should be specific. A response of lack of office time or its equivalent, standing alone, is not sufficient.

3. "Plan" shall include a proposal for issuance of the decision with a target date on which the judge reasonably expects the opinion 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.

F. This Administrative Directive shall become effective on March 1, 1994, and shall pertain to all matters held under advisement on and after February 28, 1994.

G. Administrative Directive Number Thirteen as promulgated on December 31, 1974, revised on March 3, 1975, March 16, 1981, and

November 6, 1987, with a correction on November 12, 1987, is superseded  
by this Directive.

  
Chief Justice

cc: The Honorable Henry R. Horsey  
The Honorable Andrew G.T. Moore, II  
The Honorable Joseph T. Walsh  
The Honorable Randy J. Holland  
Members of the Judicial Conference  
Mr. Lowell L. Groundland  
Court Administrators  
Clerk of the Supreme Court  
Mr. Stephen D. Taylor



STATE OF DELAWARE  
JUSTICE OF THE PEACE COURT

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PATRICIA WALTHER GRIFFIN  
CHIEF MAGISTRATE

**POLICY DIRECTIVE 81-036 (3<sup>rd</sup> SUPPLEMENT)**

**TO: ALL JUSTICES OF THE PEACE  
ALL JUSTICE OF THE PEACE COURT MANAGERS**

**FROM: *Patricia W. Griffin*  
HON. PATRICIA W. GRIFFIN  
CHIEF MAGISTRATE**

**RE: REPORTING OF CASES UNDER ADVISEMENT FOR MORE  
THAN 30 DAYS**

**DATE: MARCH 19, 2001**

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With the implementation of the automated civil case management system, we have the ability to track cases that have been held under advisement by the Justice of the Peace Court for 30 days or more. As explained in the second supplement to Policy Directive 81-036, "Implementation of the Chief Justice's Administrative Directive No. 94, Revised," (Feb. 3, 1994), a matter under advisement is "any case, motion, or other court proceedings in which all required actions have been completed by the parties, and the parties await a judicial decision." Policy Directive 81-036 (2<sup>nd</sup> Supp.) at p. 2-3. This includes any case in which a hearing has been held and no additional submissions (briefs, etc.) are expected from the parties, and a judge has not issued a decision within 30 days following the hearing. This policy shall become effective as of April 15, 2001.

To take advantage of the automated process to ensure that no civil cases "fall between the cracks", the following procedure is effective immediately for civil cases:

1. Beginning on the 15<sup>th</sup> day of each month, the 30 day judgment pending list in the automated system will be reviewed by civil court managers who will:
  - (1) correct docketing errors on cases included on that list (cases or motions with decisions but without electronic disposition, etc.), utilizing Management Report 122 for this purpose,
  - (2) determine which cases have outstanding decisions (use reserved decision worklist), including all cases held under advisement for more than 30 days,
  - (3) provide a copy of the 30 day judgment pending list with notations as to action taken to resolve the problem (if it is clerical or referral to DCM if the case is awaiting judicial decision), **no later than the 20<sup>th</sup> day of each month** to their Operations Manager and a copy to the Chief Magistrate,
2. The civil court managers will also provide a list of all cases with decisions held under advisement for more than 30 days (at the time the pending list was pulled from the system) by judge to the Deputy Chief Magistrate **by the 20<sup>th</sup> day of each month.**
3. To facilitate this process until such time as the civil court managers are comfortable retrieving the report on their own, Larry Sipple or Lyn Arnold will retrieve the 30 day judgment pending report from the automated system and provide a copy of that report to each civil court manager (related to each court's cases) and a copy to the Chief Magistrate on the 15<sup>th</sup> day of each month.
4. The Deputy Chief Magistrates will review outstanding cases which have been under advisement for more than 30 days (at the time the pending list was pulled from the automated system) with the judges involved.
5. On the last day of each month, the Deputy Chief Magistrates will provide by e-mail or in writing the following information to the Chief Magistrate:
  - ◆ Name of the case and case number,
  - ◆ Name of the judge involved,

- ◆ Date the case was taken under advisement (usually the date of the hearing or trial),
- ◆ The judge's reason for the delay in making the decision,
- ◆ Target date/plan for making the decision.

6. The Chief Magistrate will review the original pending list as revised by updated information provided by the civil court managers and the Deputy Chief Magistrates and prepare the 30 day report for submission to the Chief Justice, as required by Administrative Directive No. 94, Revised.

Criminal courts will follow the existing procedure with the court manager providing me with information on cases held under advisement for more than 30 days by the last day of each month.

PWG/crm

cc: Hon. E. Norman Veasey  
Hon. Randy J. Holland  
Hon. Henry duPont Ridgely  
Hon. Alex J. Smalls  
Hon. Vincent J. Poppiti  
Hon. Alicia Howard  
Keith R. Brady, D.A.G.  
Thomas W. Nagle  
Anna A. Lewis  
H. John Betts  
Larry Sipple  
Lyn Arnold  
All Justice of the Peace Courts  
Law Libraries: New Castle County, Kent County, Sussex County,  
Widener University School of Law