

COURT ON THE JUDICIARY

Annual Report for Fiscal Year 2023

Jurisdiction and Powers of the Court

Under Article IV, Section 37 of the Delaware Constitution, the Court on the Judiciary has the power to discipline a judicial officer appointed by the Governor for wilful misconduct in office, wilful and persistent failure to perform duties, the commission after appointment as a judicial officer of an offense involving moral turpitude, and other persistent misconduct in violation of the Delaware Judges' Code of Judicial Conduct.

The Court on the Judiciary may also retire a judicial officer for a permanent mental or physical disability that interferes with the proper performance of the duties of judicial office.

Members of the Court on the Judiciary

The Court on the Judiciary is comprised of the Chief Justice and the Justices of the Delaware Supreme Court, the Chancellor of the Court of Chancery, the President Judge of the Superior Court, the Chief Judge of the Family Court, the Chief Judge of the Court of Common Pleas, and the Chief Magistrate of the Justice of the Peace Court.

The Preliminary Investigatory Committee

When a complaint states a claim within the jurisdiction of the Court on the Judiciary, the Chief Justice will designate a panel of up to three members of the Preliminary Investigatory Committee to investigate the complaint and file a written report. The Preliminary Investigatory Committee has twelve members—eight members of the Delaware Bar and four non-lawyer residents of Delaware.

The Board of Examining Officers

Upon receipt of a report from a panel of the Preliminary Investigatory Committee finding probable cause or a sua sponte determination of the Chief Justice, the Court on the Judiciary will appoint one or more active or retired State judges to act as the Board of Examining Officers. The Board of Examining Officers

has the powers of a Court of Chancery Magistrate and prepares a report with findings of fact and conclusions of law as to the alleged judicial misconduct or disability and a proposed recommendation as to disposition by the Court.

Filings and Dispositions

In fiscal year 2023, the Court on the Judiciary docketed seventeen complaints. Eighteen complaints were dismissed *sua sponte* under Court on the Judiciary Rule 5.1(b). One complaint was referred to a panel of the Preliminary Investigatory Committee under Rule 5.1(c) and dismissed under Rule 8(a) after the panel found no probable cause to proceed. Following referral of a complaint to the Preliminary Investigatory Committee and the Board of Examining Officers, the Court on the Judiciary accepted a judicial officer's offer of discipline by consent for her violation of Rule 2.5(c), which provides that a judge should promptly dispose of court business, and publicly censured her for the violation.

Of Note

A complainant who filed multiple, frivolous complaints based on disagreement with judicial officers' rulings was enjoined from filing such complaints in the future.