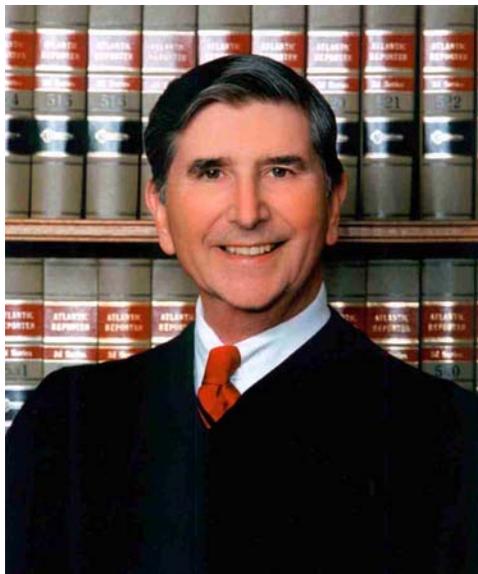


# Supreme Court

In Fiscal Year 2002, the Delaware Supreme Court received 715 appeals. This is a record and represents a 22.9% increase in the Court's workload from the previous fiscal year. To keep pace with this increase and maintain the Court's reputation for the expeditious disposition of matters on appeal, the Court disposed of 713 appeals which represents a 19.4% increase over the previous fiscal year in the number of final dispositions. During the past year, the Court disposed of the majority of its cases within 40.5 days from the date of submission to the date of final decision. This pace is well under the 90 day standard that the Court has set for all Delaware courts.

The Court is indebted to its Chief Staff Attorney, Gayle P. Lafferty, Esquire, and its Staff Attorneys, Margaret L. Naylor, Esquire and Susan L. Parker, Esquire, for their dedication and diligence in helping the Court manage its pro se docket, motion practice and many other case management functions. Their expertise has been instrumental in meeting the challenges of increased filings. The Court also wishes to acknowledge the case management contributions made by its law clerks, judicial secretaries, Court Administrator, and the Clerk of the Supreme Court, Cathy L. Howard, and her staff.

The Court issued several Administrative Directives regulating the administration of the courts and the Bar. Administrative Directives 130 and 131 dated July 11, 2001 set speedy trial standards for all criminal cases including death penalty cases pursuant to recommendations of the Committee on Speedy Trial Guidelines. Administrative Directive 132 dated October 15, 2001 established a Board of Certified Court Re-



Chief Justice E. Norman Veasey

porters to ensure minimum standards of skill, competence and ethics for court reporters. Administrative Directive 133 dated October 16, 2001 established a Permanent Advisory Committee on the Delaware Lawyers' Rules of Professional Conduct pursuant to Supreme Court Rule 96 to consider on an on-going basis amendments to the Rules. Administrative Directive No. 134 dated October 30, 2001 set forth a policy that would standardize the procedure and establish uniform criteria for

determining the need for additional judgeships or other judicial officers. Administrative Directive No. 136 dated January 9, 2002 created a Court Resources Task Force to analyze the existing state budgetary structure and staffing of the Judicial Branch to determine if the structure and staffing are conducive to optimum management of the Judicial Branch and if resources should be reallocated and new staffing standards established to achieve maximum efficiency. Administrative Directive 137 dated February 25, 2002 created a Courthouse Operations Policy Committee to establish policies to coordinate common services and for the efficient usage of the New Castle County Courthouse. Administrative Directive No. 139 dated April 4, 2002 establishes a Mediation Committee to consider the best methods by which the Judiciary can promote voluntary mediation in all courts. Administrative Directive No. 142 dated June 15, 2002 implements the recommendations of the Uniform Case Processes Committee for a COTS System (Commercial Off the Shelf) for a Judicial wide case and financial management system.

## SUPREME COURT

During Fiscal Year 2002, the Court received two interim reports from the Court Resources Task Force with a final report to be issued by December 31, 2002. The second interim report stated: "The discussion at the Task Force's most recent meeting revolved primarily around the report of the Subcommittee on Budget, Funding and Staffing. Three concepts were emphasized: (1) The centralization of the administrative functions in the Administrative Office of the Courts (AOC); (2) Budget flexibility for the Chief Justice; and (3) Increasing the authority of the State Court Administrator and designating a Supreme Court Justice as the Liaison Justice to the AOC. The members of the Task Force present at this meeting preliminarily endorsed these concepts. The Chair also requested that each of the Subcommittees give further consideration to these overarching concepts as they continue with their work and move towards final recommendations." While not occurring in the past fiscal year, it should be noted that the Task Force's Final Report was filed on November 26, 2002 as this section on Supreme Court Fiscal Year 20002 accomplishments was being written.



Supreme Court Justices

*Front Row* (sitting left to right)  
Justice Joseph T. Walsh  
Chief Justice E. Norman Veasey  
Justice Randy J. Holland

*Back Row* (standing left to right)  
Justice Myron T. Steele  
Justice Carolyn Berger

## SUPREME COURT

### **Legal Authorization**

The Supreme Court is created by the Constitution of Delaware, Article IV, Section 1. The Supreme Court sits in Dover but the justices maintain their chambers in the counties where they reside.

### **Court History**

The modern Supreme Court was established in 1951 by constitutional amendment. The State's first separate Supreme Court initially consisted of three justices and was enlarged to the current five justices in 1978.

Prior to 1951, Delaware was without a separate Supreme Court. The highest appellate authority prior to the creation of the separate Supreme Court consisted of those judges who did not participate in the original litigation in the lower courts. These judges would hear the appeal en banc (collectively) and would exercise final jurisdiction in all matters in both law and equity.

### **Jurisdiction**

The Court has final appellate jurisdiction in criminal cases in which the sentence exceeds certain minimums and in civil cases as to final judgments and for certain other orders of the Court of Chancery, the Superior Court, and the Family Court. Appeals are heard on the record. Under some circumstances, the Supreme Court has jurisdiction to issue writs of prohibition, quo warranto, certiorari, and mandamus.

### **Justices**

The Supreme Court consists of a chief justice and four justices who are nominated by the Governor and confirmed by the Senate. The justices are appointed for 12-year terms and must be learned in the law and citizens of the State. Three of the justices must be of one of the major political parties while the other two justices must be of the other major political party.

### **Administration**

The chief justice is responsible for the administration of all courts in the State and appoints a State Court Administrator to manage the non-judicial aspects of court administration. The Supreme Court is staffed by a clerk of the court, staff attorneys, an assistant clerk, law clerks, secretaries, and court clerks.

<b>SUPREME COURT</b>						
<b>Caseload Summary - Fiscal Year 2002</b>						
	Pending 6/30/2001	Filings	Dispositions	Pending 6/30/2002	Change In Pending	% Change In Pending
Criminal Appeals	172	329	305	196	+24	+14.0%
Civil Appeals*	160	306	330	136	-24	-15.0%
Original Applications**	10	80	78	12	+ 2	+20.0%
<b>Total*</b>	<b>342</b>	<b>715</b>	<b>713</b>	<b>344</b>	<b>+ 2</b>	<b>+ 0.6%</b>
<b>Caseload Comparison - Fiscal Years 2001-2002 - Filings</b>						
	2001	2002	Change	% Change		
Criminal Appeals	261	329	+ 68	+ 26.1%		
Civil Appeals	272	306	+ 34	+ 12.5%		
Certifications	4	1	- 3	- 75.0%		
Original Applications	30	56	+ 26	+ 86.7%		
Bd. On Prof. Resp.	14	23	+ 9	+ 64.3%		
Bd. Of Bar Exam.	1	0	- 1	-100.0%		
Un. Prac. Of Law	0	0	0	-----		
<b>Total</b>	<b>582</b>	<b>715</b>	<b>+133</b>	<b>+ 22.9%</b>		
<b>Caseload Comparison - Fiscal Years 2001-2002 - Dispositions</b>						
	2001	2002	Change	% Change		
Criminal Appeals	265	305	+ 40	+ 15.1%		
Civil Appeals*	275	330	+ 55	+ 20.0%		
Certifications	5	2	- 3	- 60.0%		
Original Applications	32	54	+ 22	+ 68.8%		
Bd. On Prof. Resp.	19	21	+ 2	+ 10.5%		
Bd. Of Bar Exam.	0	1	+ 1	-----		
Un. Prac. Of Law	1	0	- 1	-100.0%		
<b>Total*</b>	<b>597</b>	<b>713</b>	<b>+116</b>	<b>+ 19.4%</b>		

\*2001 dispositions and pending values amended from FY 2001 Statistical Report.

\*\*Board on Professional Responsibility, Board of Bar Examiners, Unauthorized Practice of Law cases are included with the original applications in the Caseload Summary. Each is listed separately, however, in the Caseload Comparison.

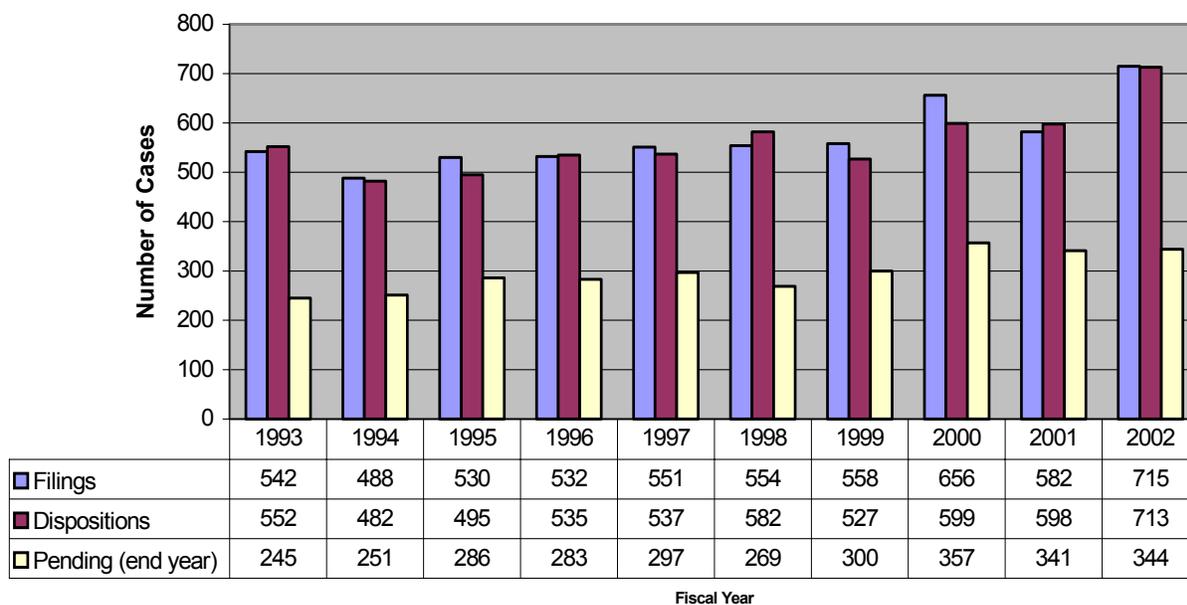
Bd. On Prof. Resp. = Board on Professional Responsibility

Bd. Of Bar Exam. = Board of Bar Examiners

Un. Prac. Of Law = Board on the Unauthorized Practice of Law

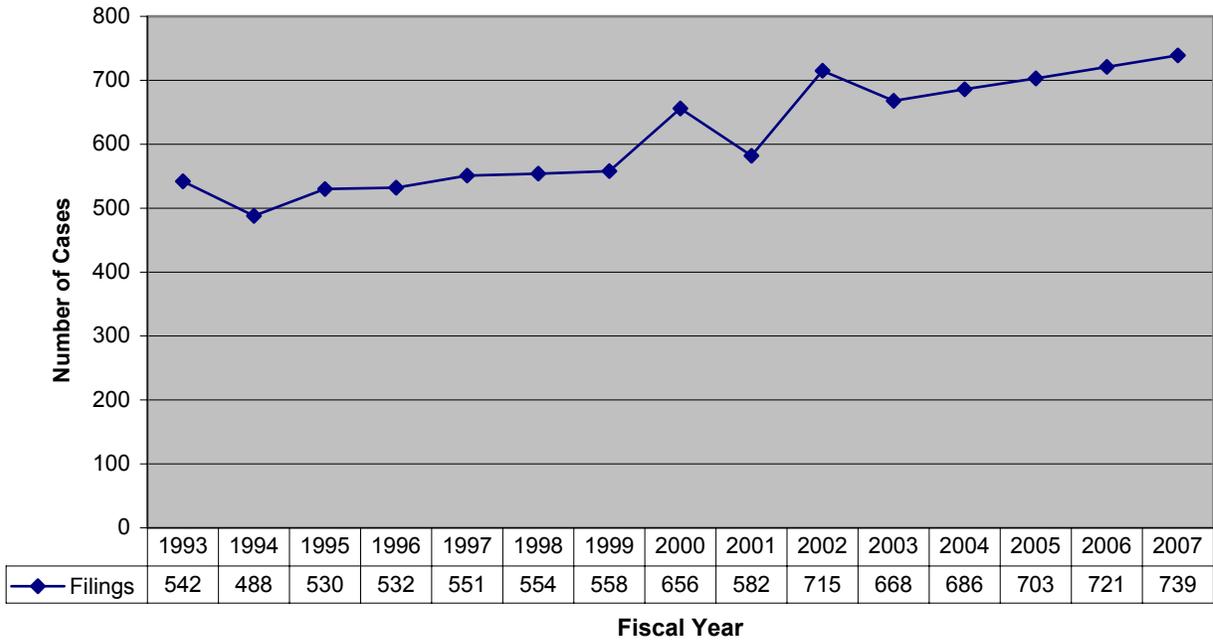
Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts.

**Supreme Court 10 Year Caseload Trend Total Cases**

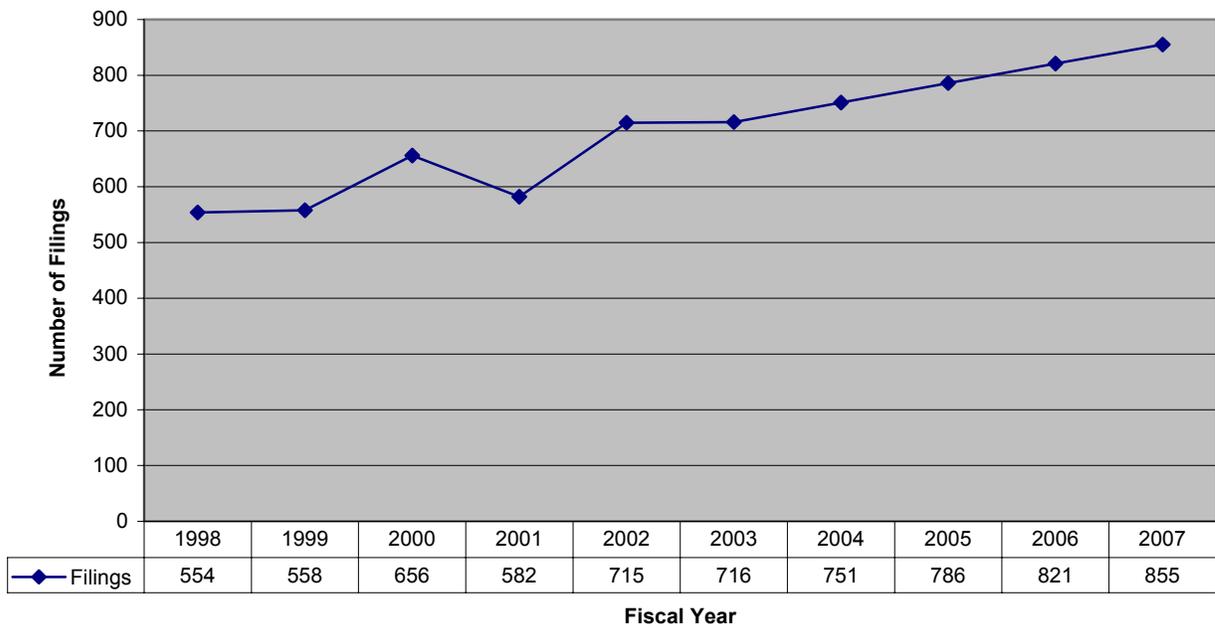


Source: Clerk of the Supreme Court; Administrative Office of the Courts.

### 5 Year Projections Supreme Total Using 10 Year Base



### Supreme Court 5 Year Projections Using 5 Year Base



Trend lines computed by regression analysis.

Source: Clerk of the Supreme Court; Administrative Office of the Courts.

<b>SUPREME COURT</b>										
<b>Caseload Breakdowns Fiscal Year 2002 - Filings</b>										
	Court of Chancery		Superior Court*		Family Court		Non-Court Originated		Total	
Criminal Appeals	0	0.0%	329	100.0%	0	0.0%	0	0.0%	329	100.0%
Civil Appeals	55	18.0%	180	58.8%	71	23.2%	0	0.0%	306	100.0%
Certifications	0	0.0%	0	0.0%	0	0.0%	1	100.0%	1	100.0%
Original Applications	0	0.0%	0	0.0%	0	0.0%	56	100.0%	56	100.0%
Bd. On Prof. Resp.	0	0.0%	0	0.0%	0	0.0%	23	100.0%	23	100.0%
Bd. Of Bar Exam.	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Un. Prac. Of Law	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	100.0%
<b>Total</b>	<b>55</b>	<b>7.7%</b>	<b>509</b>	<b>71.2%</b>	<b>71</b>	<b>9.9%</b>	<b>80</b>	<b>11.2%</b>	<b>715</b>	<b>100.0%</b>
<b>Caseload Breakdowns Fiscal Year 2002 - Dispositions</b>										
	Court of Chancery		Superior Court*		Family Court		Non-Court Originated		Total	
Criminal Appeals	0	0.0%	305	100.0%	0	0.0%	0	0.0%	305	100.0%
Civil Appeals	58	17.6%	194	58.8%	78	23.6%	0	0.0%	330	100.0%
Certifications	0	0.0%	0	0.0%	0	0.0%	2	100.0%	2	100.0%
Original Applications	0	0.0%	0	0.0%	0	0.0%	54	100.0%	54	100.0%
Bd. On Prof. Resp.	0	0.0%	0	0.0%	0	0.0%	21	100.0%	21	100.0%
Bd. Of Bar Exam	0	0.0%	0	0.0%	0	0.0%	1	100.0%	1	100.0%
Un. Prac. Of Law	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>Total</b>	<b>58</b>	<b>8.1%</b>	<b>499</b>	<b>70.0%</b>	<b>78</b>	<b>10.9%</b>	<b>78</b>	<b>10.9%</b>	<b>713</b>	<b>100.0%</b>
<b>Caseload Breakdowns Fiscal Year 2002 - Change in Pending</b>										
	Court of Chancery		Superior Court*		Family Court		Non-Court Originated		Total	
Criminal Appeals	0		+24		0		0		+24	
Civil Appeals	-3		-14		-7		0		-24	
Certifications	0		0		0		-1		- 1	
Original Applications	0		0		0		+2		+ 2	
Bd. On Prof. Resp.	0		0		0		+2		+ 2	
Bd. Of Bar Exam	0		0		0		-1		- 1	
Un. Prac. Of Law	0		0		0		0		0	
<b>Total</b>	<b>-3</b>		<b>+10</b>		<b>-7</b>		<b>+2</b>		<b>+ 2</b>	

\*Includes 353-2001 which is a civil appeal from JP Court.

Bd. On Prof. Resp. = Board on Professional Responsibility

Bd. Of Bar Exam. = Board of Bar Examiners

Un. Prac. Of Law = Board on the Unauthorized Practice of Law

Source: Court Administrator and Clerk of the Supreme Court; Administrative Office of the Courts.

**SUPREME COURT**

**Types of Dispositions Fiscal Year 2002 - Appeals**

	Affirmed	Affirmed Part/ Reversed Part	Reversed	Remanded	Voluntary Dismissal	Court Dismissal	Leave to Appeal Denied	Other	Total									
Criminal Appeals	210	68.9%	5	1.6%	15	4.9%	0	0.0%	28	9.2%	46	15.1%	1	0.3%	0	0.0%	305	100.0%
Civil Appeals	184	45.1%	9	2.2%	27	6.6%	3	0.7%	49	12.0%	104	25.5%	11	2.7%	21	5.1%	408	100.0%
<b>Total</b>	<b>394</b>	<b>55.3%</b>	<b>14</b>	<b>2.0%</b>	<b>42</b>	<b>5.9%</b>	<b>3</b>	<b>0.4%</b>	<b>77</b>	<b>10.8%</b>	<b>150</b>	<b>21.0%</b>	<b>12</b>	<b>1.7%</b>	<b>21</b>	<b>2.9%</b>	<b>713</b>	<b>100.0%</b>

**Types of Dispositions Fiscal Year 2002 - Miscellaneous**

	Action Taken *	Approved	Answered	Voluntary Dismissal	Court Dismissal	Denied	Leave to Appeal Denied	Other	Total									
Original Applica- tions	0	0.0%	0	0.0%	1	1.9%	53	98.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	54	100.0%
Certifications	0	0.0%	1	25.0%	0	0.0%	0	0.0%	1	25.0%	2	50.0%	0	0.0%	0	0.0%	4	100.0%
Bd. On Prof. Resp.	11	52.4%	7	33.3%	0	0.0%	1	4.8%	0	0.0%	0	0.0%	0	0.0%	2	9.5%	21	100.0%
Bd. Of Bar Exam.	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
<b>Total</b>	<b>11</b>	<b>13.8%</b>	<b>7</b>	<b>8.8%</b>	<b>1</b>	<b>1.3%</b>	<b>54</b>	<b>67.5%</b>	<b>2</b>	<b>2.5%</b>	<b>2</b>	<b>2.5%</b>	<b>2</b>	<b>2.5%</b>	<b>2</b>	<b>2.5%</b>	<b>80</b>	<b>100.0%</b>

**Methods of Dispositions Fiscal Year 2002**

	Assigne Opinion	Per Curiam Opinion	Written Order	Voluntary Dismissal	Other	Total						
Criminal Appeals	32	10.5%	3	1.0%	242	79.3%	28	9.2%	0	0.0%	305	100.0%
Civil Appeals	38	11.5%	11	3.3%	233	70.6%	48	14.5%	0	0.0%	330	100.0%
Certifications	1	50.0%	0	0.0%	1	50.0%	0	0.0%	0	0.0%	2	100.0%
Original Applica- tions	0	0.0%	0	0.0%	53	98.1%	1	1.9%	0	0.0%	54	100.0%
Bd. On Prof. Resp.	0	0.0%	4	19.0%	17	81.0%	0	0.0%	0	0.0%	21	100.0%
Bd. Of Bar Exam.	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
<b>Total</b>	<b>71</b>	<b>10.0%</b>	<b>19</b>	<b>2.7%</b>	<b>546</b>	<b>76.6%</b>	<b>77</b>	<b>10.8%</b>	<b>0</b>	<b>0.0%</b>	<b>713</b>	<b>100.0%</b>

\*Action taken includes disbarments, suspensions and reinstatements.

Bd. On Prof. Resp. = Board on Professional Responsibility

Bd. Of Bar Exam. = Board of Bar Examiners

Un. Prac. Of Law = Board on the Unauthorized Practice of Law

Source: Court Administrator and Clerk of the Supreme Court; Administrative Office of the Courts.

<b>Performance Breakdowns Fiscal Year 2002 - Elapsed Time by Disposition Type</b>				
Type of Disposition	Number of Dispositions		Average Time From Filing to Disposition	Average Time From Submission to Disposition*
Affirmed	394		242.7 days	42.0 days
Affirmed Part/Reversed Part	14		303.9 days	62.4 days
Reversed	42		420.1 days	78.2 days
Remanded	3		183.3 days	43.7 days
Voluntary Dismissal	77		107.4 days	---
Court Dismissal	150		75.7 days	22.9 days
Leave to Appeal Denied	12		19.7 days	11.3 days
Other	21		155.7 days	39.7 days
<b>Total</b>	<b>713</b>		<b>198.0 days</b>	<b>39.7 days</b>

<b>Performance Breakdowns Fiscal Year 2002 - Elapsed Time by Disposition Method</b>				
Method of Disposition	Number of Dispositions		Average Time From Filing to Disposition	Average Time From Submission to Disposition*
Assigned Opinion	71		436.7 days	86.1 days
Per Curium Opinion	19		323.1 days	76.6 days
Written Order	546		175.4 days	32.4 days
Voluntary Dismissal	77		107.4 days	----
<b>Total</b>	<b>713</b>		<b>198.0 days</b>	<b>39.7 days</b>

<b>Performance Summary Fiscal Year 2002 - Average Elapsed Time to Disposition</b>				
	Number of Dispositions		Average Time From Filing to Disposition	Average Time From Submission to Disposition*
Criminal Appeals	305		240.6 days	46.4 days
Civil Appeals	330		186.6 days	35.6 days
Certifications	2		15.5 days	157.5 days
Original Applications	54		53.4 days	28.1 days
Bd. On Prof. Resp.	21		131.4 days	36.7 days
Bd of Bar Exam.	1		290.0 days	71.0 days
<b>Total</b>	<b>713</b>		<b>198.0 days</b>	<b>39.7 days</b>

<b>Caseload Comparison - Fiscal Years 2001-2002 - Average Time From Filing to Disposition</b>				
	2001	2002	Change	% Change
Criminal Appeals	211.5 days	240.6 days	+ 29.1 days	+13.8%
Civil Appeals	201.8 days	186.6 days	- 15.2 days	- 7.5%
Certifications	209.6 days	15.5 days	-194.1 days	-92.6%
Original Applications	47.2 days	53.4 days	+ 6.2 days	+13.1%
Bd. On Prof. Resp.	182.1 days	131.4 days	- 50.7 days	-27.8%
Bd. Of Bar Exam.	----- days	290.0 days	----- days	-----
Un. Prac. Of Law	286.0 days	----- days	----- days	-----
<b>Total</b>	<b>197.4 days</b>	<b>198.0 days</b>	<b>+ 0.6 days</b>	<b>+ 0.3%</b>

\*Average time from date submitted for judicial decision to actual date of disposition.

Not all Supreme Court dispositions require a judicial decision.

Bd. On Prof. Resp. = Board on Professional Responsibility

Bd. Of Bar Exam. = Board of Bar Examiners

Un. Prac. Of Law = Board on Unauthorized Practice of Law

Source: Court Administrator and Clerk of the Supreme Court; Administrative Office of the Courts.