



Dover Supreme Court

SUPREME COURT



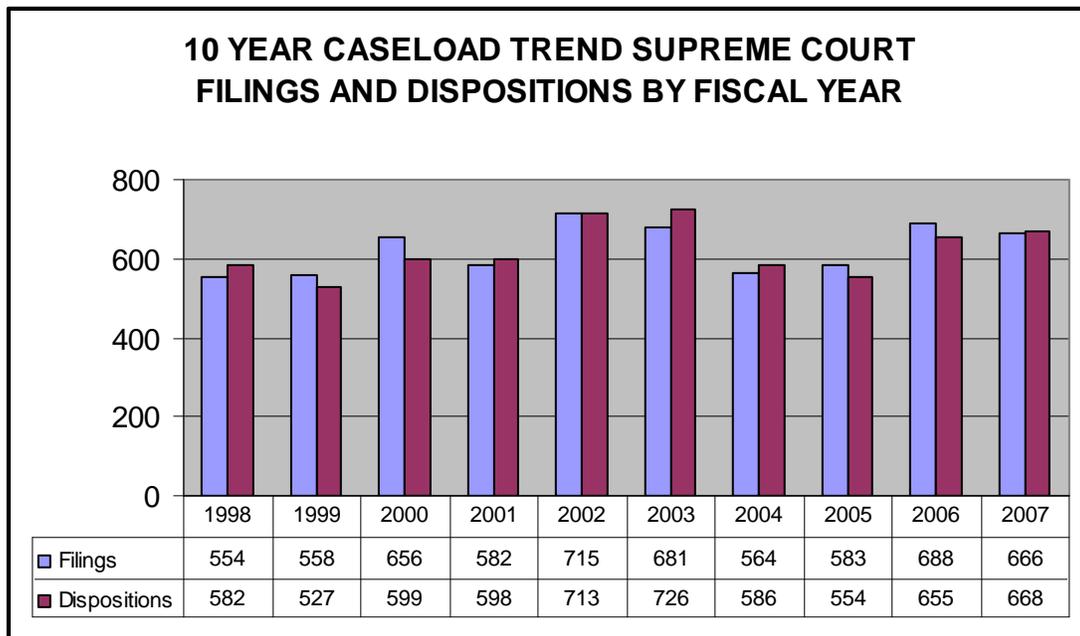
In Fiscal Year 2007, the Delaware Supreme Court received 666 appeals and disposed of 668 appeals by opinion, order or dismissal. On average, the appeals were decided within 37.8 days from the date of submission to the date of final decision. In 95.1% of the appeals decided in FY 2007, the Court met the standard of the Delaware Judiciary for deciding cases within the 90 days of the date of submission for decision. Based on the American Bar Association's Standards Relating to Appellate Courts, the Court set a performance measure for the disposition of 75% of all cases within 290 days of the date of the filing of the notice of appeal. The Court exceeded this objective by disposing of 84.6% of all cases within the 290 day timeframe. The Court set another performance measure for the disposition of 95% of all cases within one year of the date of the filing of the notice of appeal. The Court disposed of 92.5% within this one year timeframe.

A recent initiative supporting Delaware's national and international status as a center for

corporate law was the General Assembly's wise enactment of a Judiciary sponsored Delaware constitutional amendment authorizing the Delaware Supreme Court to accept certified questions of Delaware law from the Securities and Exchange Commission. The amendment enables the Securities and Exchange Commission to bring critical and urgent questions concerning Delaware law to the Delaware Supreme Court; thus providing expedited decisions and greater certainty with regard to corporate law. Previously, only other courts were able to certify questions of law to the Delaware Supreme Court.

Over 50% of publicly-traded corporations, and 60% of Fortune 500 companies, are incorporated in Delaware. In addition, in 2006, more than 70% of new initial public offerings on U.S. exchanges were made by corporations incorporated in Delaware. With the large number of companies choosing Delaware as their place of incorporation, and the outstanding reputations of Delaware's courts, this expedited process for addressing corporate law issues will

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further strengthen the Delaware courts' preeminence as the forum of choice for corporations.

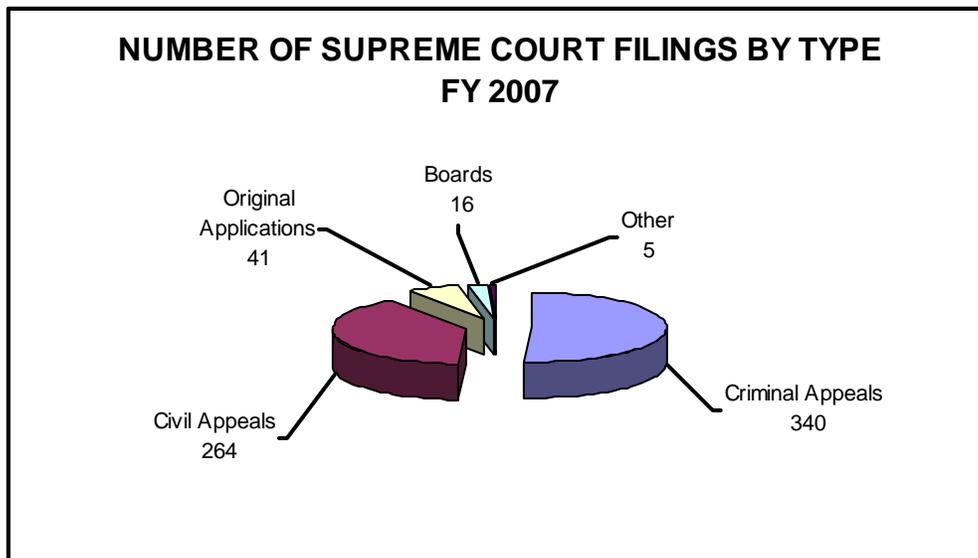
The Supreme Court further focused international attention on Delaware by adopting a Foreign Legal Consultant Rule facilitating the transnational practice of law, thereby making Delaware the first State to act consistently with a Conference of Chief Justices' Resolution recommending that action by all states.

On December 4, 2006, the Delaware Supreme Court expanded its e-Filing initiative to include all appeals from Superior Court criminal matters and from all Family Court matters. Previously, only civil appeals from the Court of Chancery and the Superior Court were electronically filed. This is the third and final phase of the Court's implementation of its e-Filing project for appeals. The Delaware Supreme Court is the first appellate court in the nation to require all appeals to be filed electronically using the LexisNexis File & Serve System. This

project further solidifies Delaware's reputation as an innovator in the use of technology in its courts.

During the past fiscal year, 3,478 Delaware lawyers filed Annual Registration Statements with the Court pursuant to Supreme Court Rule 69. The Court amended the Statement to provide for an increased assessment to be paid by each active Delaware lawyer to fund the Delaware Lawyers' Assistance Program. Under Supreme Court Rule 74(b), the purpose of the program is to provide assistance to Delaware attorneys and members of the State Judiciary with alcohol, drug, gambling, emotional, behavioral, or other personal problems that affect well-being and professional performance. The program is overseen by the Delaware State Bar Association which receives an annual grant from the Court's Rule 69 assessments, and operated through the Association's Lawyers' Assistance Program. Carol Waldhauser was hired as the Executive Director of the Delaware Lawyers' Assistance Program.

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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.

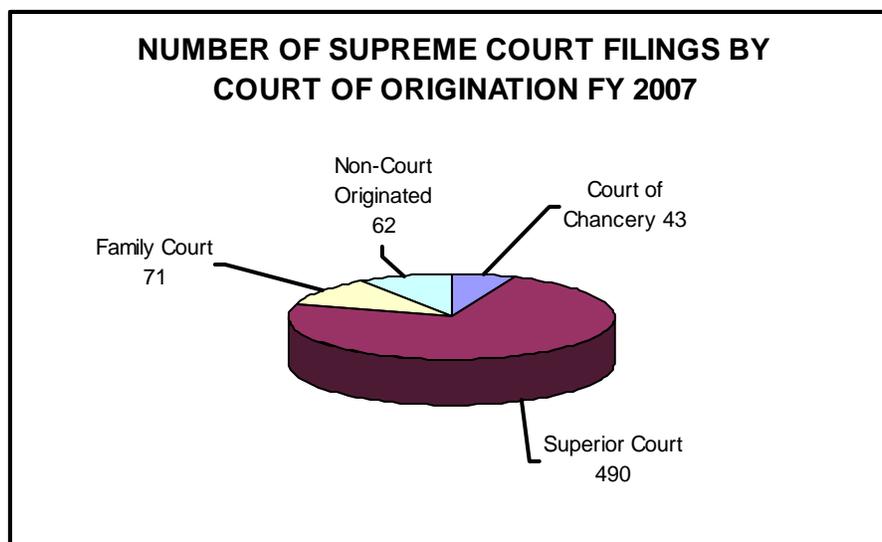
COURT HISTORY

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 a 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.

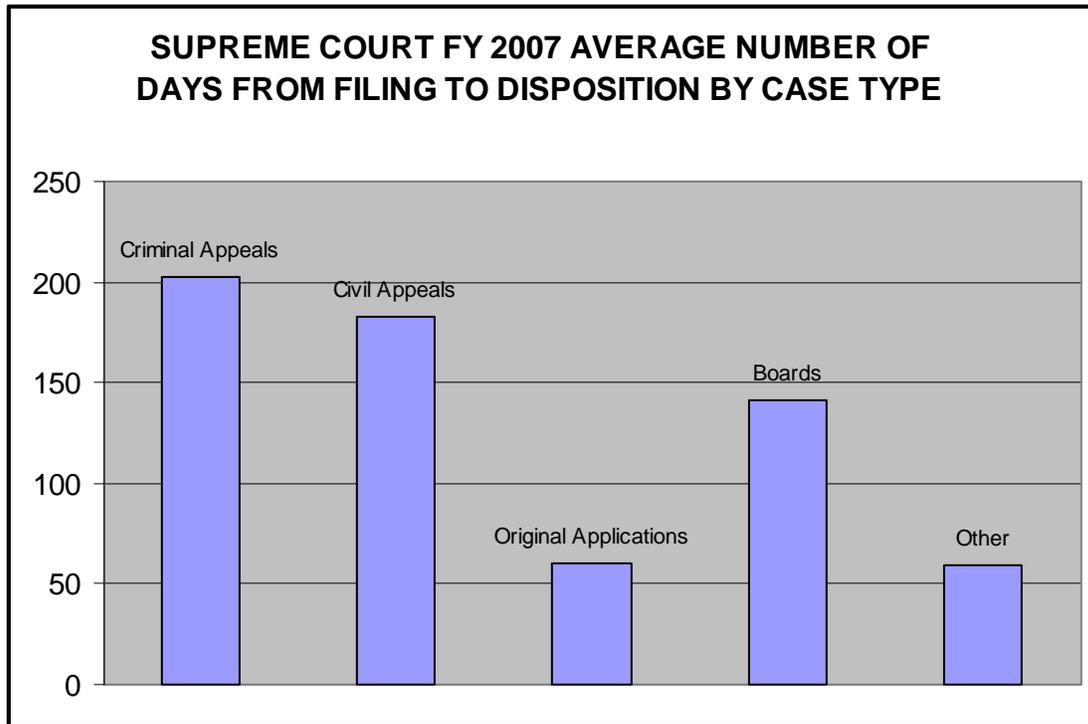


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JURISDICTION

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. The Court may have no more than a majority of one justice from any 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 court administrator, clerk of the court, staff attorneys, an assistant clerk, law clerks, secretaries, and court clerks.

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Supreme Court Justices:

Front Row (sitting left to right)

Justice Randy J. Holland
Chief Justice Myron T. Steele
Justice Carolyn Berger

Back Row (standing left to right)

Justice Henry duPont Ridgely
Justice Jack B. Jacobs



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