



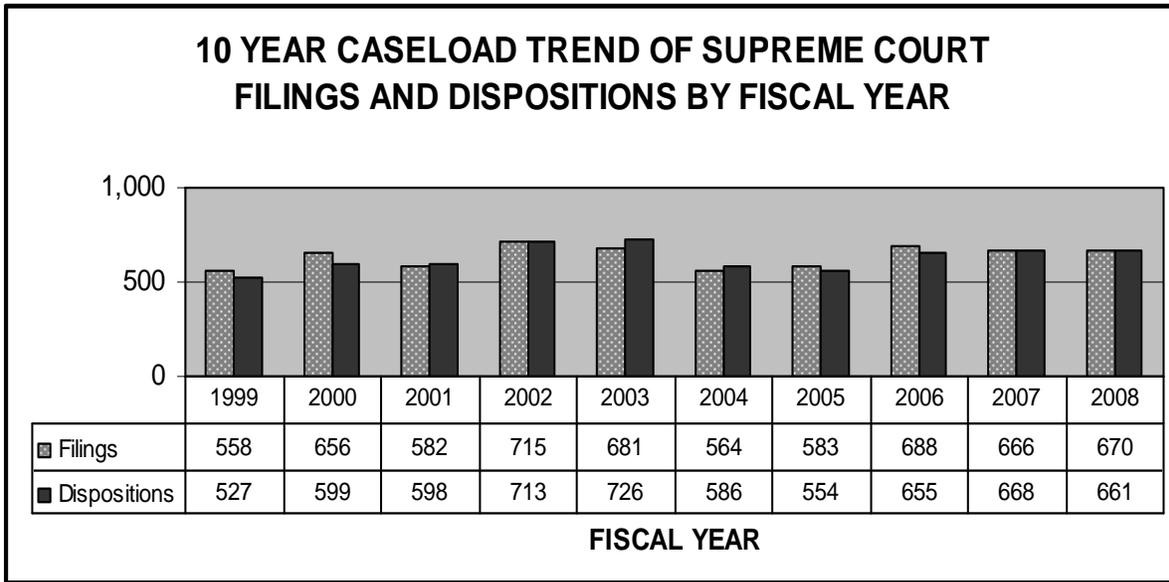
In Fiscal Year 2008, the Delaware Supreme Court received 670 appeals and disposed of 661 appeals by opinion, order or dismissal. On average, the appeals were decided within 39.4 days from the date of submission to the date of final decision. In 93.7% of the appeals decided in FY 2008, the Court met the standard of the Delaware Judiciary for deciding cases within 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 82.75% of all cases within the 290 days 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 91.4% within this one year timeframe.

In FY 2007, the Delaware General Assembly enacted a Judiciary sponsored Delaware Constitutional Amendment authorizing the Delaware Supreme Court to accept certified questions of Delaware law from the Securities and Exchange Commission. On June 30, 2008, the Securities and Exchange Commission filed a Certification of Questions of Law pursuant to Supreme Court Rule 41(a)(ii) in a case captioned *CA, Inc. v. AFSCME Employees Pension Plan*. The Court accepted the certification on July 1, 2008, briefing was completed on July 7, 2008, oral argument was held on July 9, 2008 and the Court's Opinion was issued on July 17, 2008. The constitutional amendment and the Court's expedited procedures permitted the Securities and Exchange Commission to bring critical and urgent questions concerning Delaware law to the Delaware Supreme Court for resolution.

During FY 2008, the Court issued significant Administrative Directives pursuant to Del. Const. Art. IV, §13(1). Under Administrative Directive No. 163, the Court adopted the Rules of the Court Interpreter Program. As stated in the Directive, competent and ethical court interpreters are critical to ensuring a

defendant's right to be present at trial for those who do not speak English or who are deaf or hearing impaired. Administrative Directives 165 and 166 recognized that the State of Delaware was confronted with a downturn in projected revenues for FY 2008 and FY 2009. As a co-equal branch of government, partnered with the Executive Branch in helping to address the State's financial shortfall, the Court directed a hiring freeze with some exclusions and required each court to review their FY 2009 budget request to determine which items could be eliminated as not required to address a critical need in FY 2009. Administrative Directive No. 167 promulgated a Policy on Public Access to Supreme Court Administrative Records consistent with the requirements of Administrative Directive No. 162 (revised). The policy clarified and formalized the Court's approach to public access to the administrative records of the Supreme Court. Administrative Directive No. 168 created a Delaware Courts: Fairness for All Task Force to study perceptions of fairness and the needs of self-represented civil litigants in the Delaware courts, with its focus on those trial courts with the highest proportion of self-represented litigants. The Task Force will also oversee implementation of efforts by the court system to address identified concerns and needs. The Honorable Alan G. Davis, Chief Magistrate of the Justice of the Peace Court, and Patricia W. Griffin, State Court Administrator, are the Co-Chairs of the Task Force.

During the past fiscal year, 3,588 Delaware lawyers filed Annual Registration Statements with the Court pursuant to Supreme Court Rule 69. The Court continues to grant Delaware Certificates of Limited Practice to in-house counsel pursuant to Rule 55.1 and Delaware Certificates of Limited Practice as a Foreign Legal Consultant pursuant to Rule 55.2.



LEGAL AUTHORIZATION

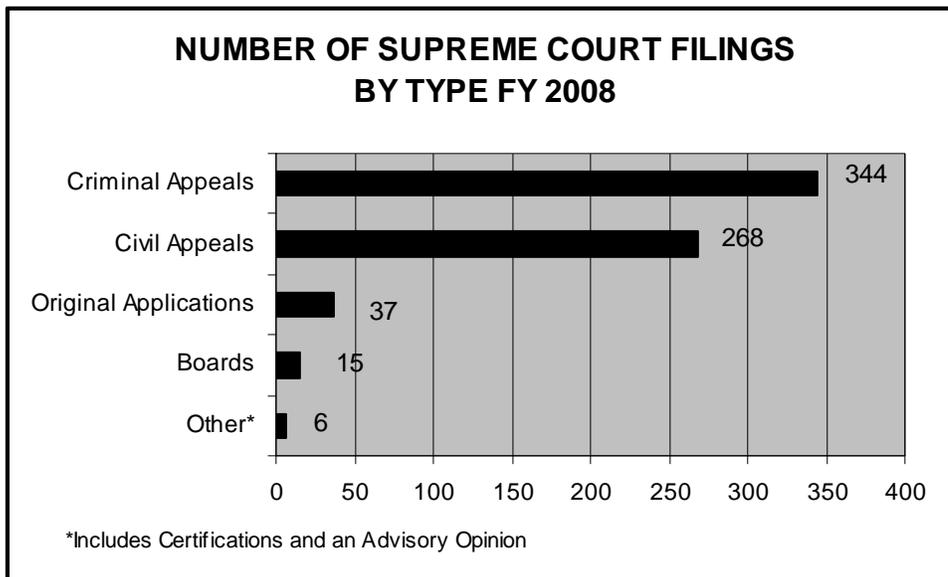
The Supreme Court is created by the Constitution of Delaware, Article IV, Section 1. The Supreme Court sits in Dover but the justices maintain their chambers in the counties where they reside.

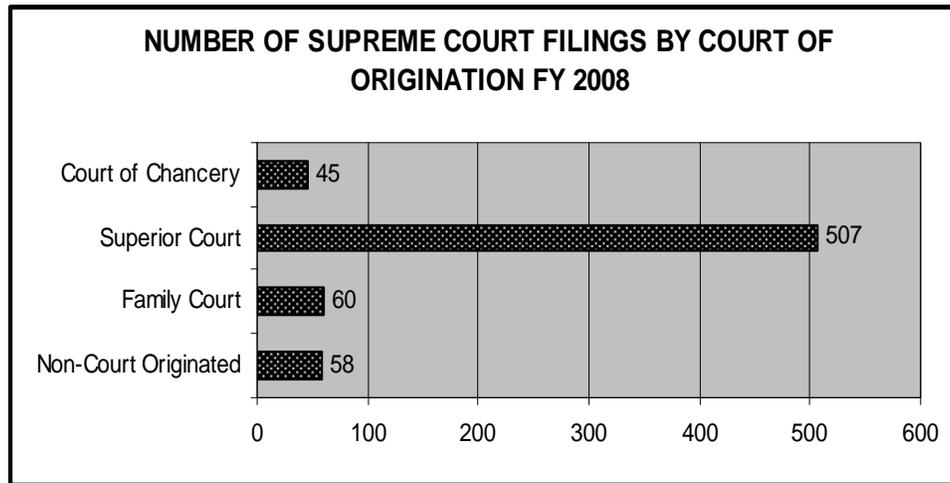
Prior to 1951, Delaware was without a separate Supreme Court. The highest appellate authority prior to the creation of a separate Supreme Court consisted of those judges who did not participate in the original litigation in the lower courts.

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.

These judges would hear the appeal *en Banc* (collectively) and would exercise final jurisdiction in all matters in both law and equity.





JURISDICTION

The Supreme 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*.

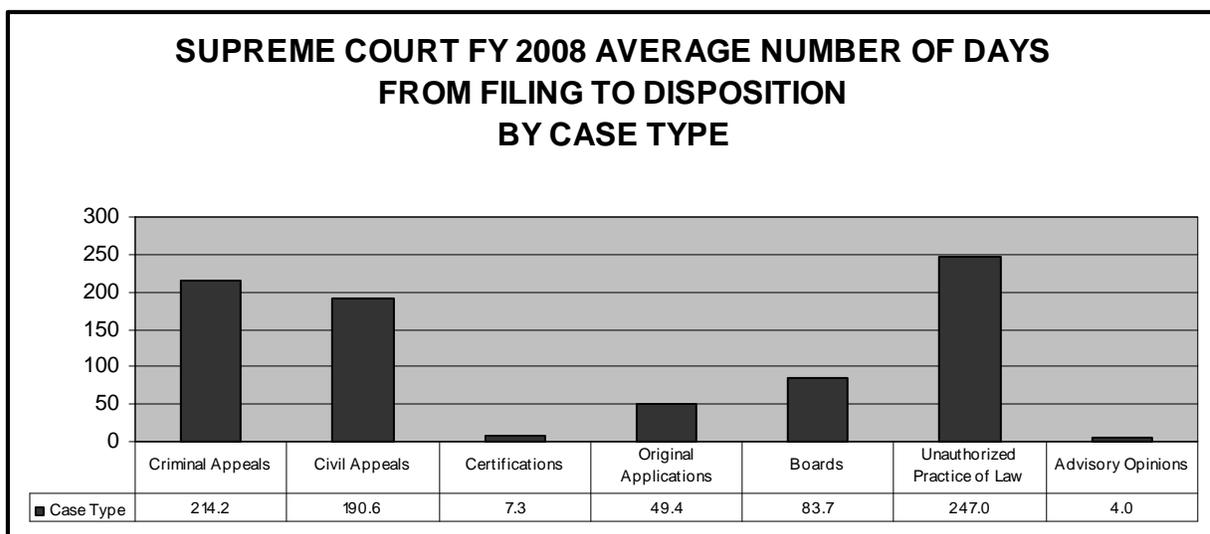
JUSTICES

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 Supreme 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 the 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, legal assistants, an administrative secretary, and court clerks.





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