

SUPREME COURT



In Fiscal Year 2009, the Delaware Supreme Court received 685 appeals and disposed of 705 appeals by opinion, order or dismissal. On average, the appeals were decided within 40.15 days from the date of submission to the date of final decision. In 93.3% of the appeals decided in FY 2009, 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 82.3% 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 92.1 % within this one year timeframe.

During FY 2009, the Court issued significant Administrative Directives pursuant to Del.Const.Art.IV, §13(1). Under Administrative Directive No. 169, the Court adopted the Policies and Procedures for the Management of Non-Appropriated Funds. The Accounting Policy Committee, appointed under Administrative Directive No. 124, was directed to establish procedures to implement the Policies for the Management of Non-Appropriated Funds adopted under Administrative Directive No. 156. Administrative Directive No. 171 adopted revised Judicial Branch Personnel Rules to govern all personnel matters concerning all non-judicial, non-Merit Judicial Branch employees in all courts and agencies, the Administrative Office of the Courts and the Arms of the Supreme Court.

Among the Judiciary sponsored legislation during the 145th General Assembly were Senate Bill 25 and House Bill 220. Under Senate Bill 25, the legislation provides

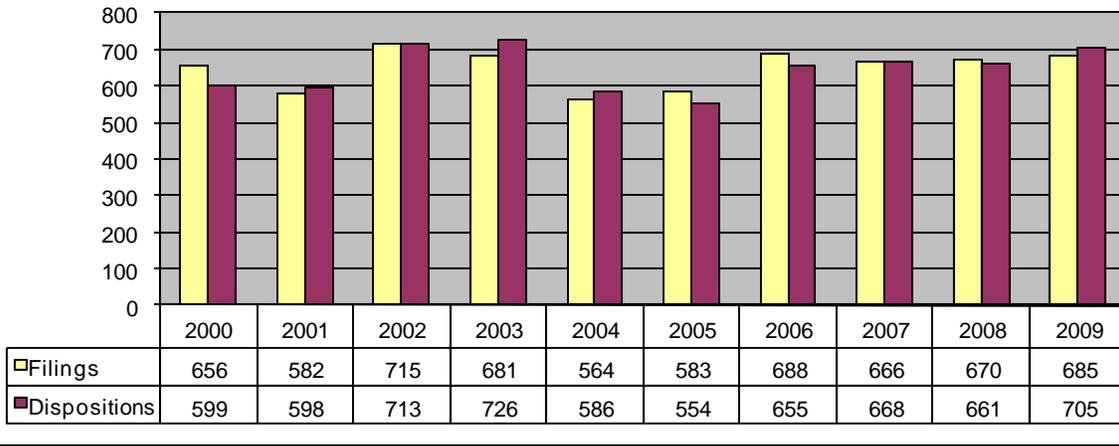
for the continuing operation of the courts in the event of an emergency due to natural or manmade causes that destroys or severely damages one or more court facilities or severely impacts the ability to staff the courts. Additionally, the legislation clarifies that the Chief Justice of Delaware has the authority to take necessary steps to ensure the orderly functioning of the courts during an emergency. Under House Bill 220, the Chief Justice of the Delaware Supreme Court was added as a member of the State Employee Benefits Committee, which addresses existing and future benefits for state employees.

The Delaware Supreme Court held a series of training sessions for court personnel in September 2008. There were two sessions in New Castle County, one in Dover and one in Georgetown. The September 2008 trainings were developed in response to recommendations from the Summit on Racial and Ethnic Fairness held in September 2007 by the Judicial Branch in conjunction with the Criminal Justice Council. The training sessions were designed to ensure that interactions with court staff promote fairness and the perception of fairness of the Judicial Branch. The audience was all court staff, and attendance was mandatory. The training sessions were organized by the Administrative Office of the Courts.

In the summer of 2008, the Delaware Supreme Court began to participate in the American Bar Association Section of Business Law Diversity Clerkship Program. Designed to increase the diversity of lawyers in the field of business law, the program gives special consideration to individuals who have overcome social or economic disadvantages to becoming a law student, such as physical disability, financial constraints, or cultural impediments. In the summer of 2009, the Court of Chancery also participated in the program.

SUPREME COURT

10 YEAR CASELOAD TREND SUPREME COURT FILINGS & DISPOSITIONS BY FISCAL YEAR

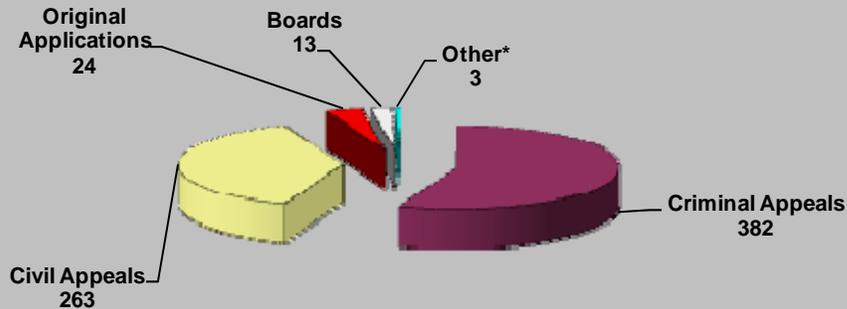


Delaware Supreme Court Administrative Directive No. 168, issued on June 12, 2008, created the Delaware Courts: Fairness for All Task Force to study the perceptions of fairness and the needs of self-represented litigants in the Delaware Courts. The Supreme Court intended the Task Force's work to complement the initiative to study and promote racial and ethnic fairness. The Task Force studied these issues using public and agency hearings and surveys of self-represented litigants, judicial officers, court staff and attorneys in order to expand the understanding of the public's perception of fairness.

Among those issues about which the Task Force sought to gain a better understanding were how language and cultural differences affected perceptions of fairness.

During the past fiscal year, 3,676 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.

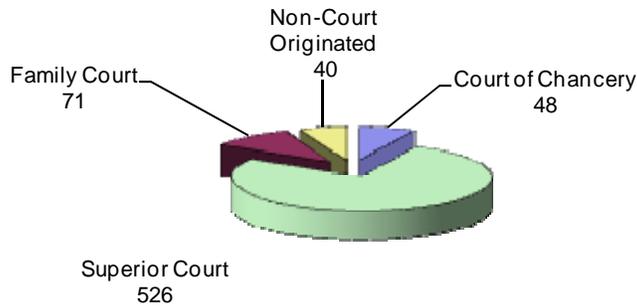
NUMBER OF SUPREME COURT FILINGS BY TYPE FY 2009



*Includes Certifications and an Advisory Opinion

SUPREME COURT

NUMBER OF SUPREME COURT FILINGS BY COURT OF ORIGINATION FY 2009



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

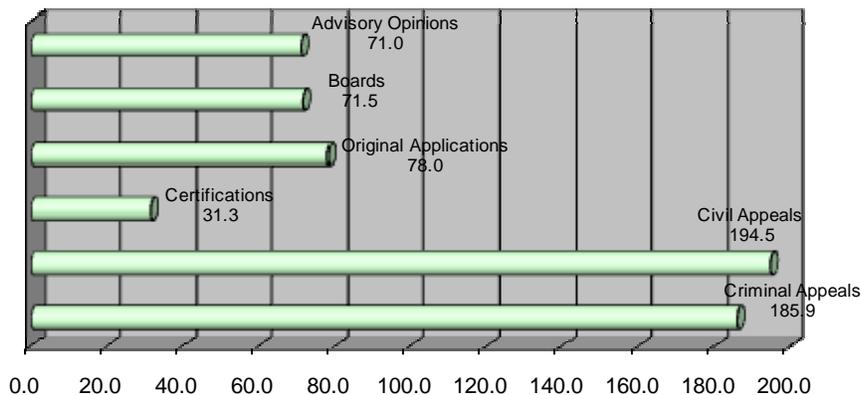
those judges who did not participate in the original litigation in the lower courts.

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

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*.

SUPREME COURT FY 2009 AVERAGE NUMBER OF DAYS FROM FILING TO DISPOSITION BY CASE TYPE



SUPREME COURT

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.



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