

# INTRODUCTION

## Farewell Chief Justice Leo E. Strine, Jr.

After 27 years of public service, Delaware Supreme Court Chief Justice Leo E. Strine, Jr. retired from the bench on October 31, 2019.

The Chief Justice began his career in service to the State of Delaware as Legal Counsel to Governor Tom Carper in 1993, a position he held until he was appointed to the Court of Chancery as a Vice Chancellor in 1998. Governor Jack Markell then elevated him to Chancellor in 2011 and again in 2014 to become Delaware's eighth Chief Justice.

Before joining the Supreme Court, the Chief Justice left a lasting legacy through a series of academic papers and landmark opinions in corporate law from his time on the Court of Chancery. He continued that legacy with additional academic writings and noteworthy rulings on the Delaware Supreme Court including co-authoring the 2016 opinion in *Rauf v. Delaware* that found Delaware's Death Penalty was unconstitutional. Just as importantly for the citizens of Delaware, Chief Justice Strine also left his mark as the administrative head of the Judicial Branch. Shortly after the Chief Justice took office, he established a set of core policy objectives for the Judiciary under his watch including:

- Meeting the business world's need for cost-

effective and timely dispute resolution;

- Maximizing the use of limited resources;
- Identifying flexible funding solutions for Judicial Branch needs;
- Investing in court employees, infrastructure, and the smart use of technology;
- Involving the Bar and other constituents in setting

the Branch's future agenda;

- Improving access to justice for all Delaware citizens and the justice system overall; and

- Addressing work-life balance issues for attorneys and legal professionals.



**Chief Justice Leo E. Strine, Jr.**

At the close of Chief Justice Strine's tenure, the Judicial

Branch can report substantial progress on all these objectives.

### **Meeting the business world's need for cost-effective and timely dispute resolution**

The Court worked with the Delaware General Assembly to pass the Delaware Rapid Arbitration Act. The Act established a confidential arbitration process for business entities that wanted to resolve their disputes in a timely and cost-effective way outside the traditional litigation process.

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## Maximizing the use of limited resources

Under the leadership of Chief Justice Strine, the Judiciary worked to ensure taxpayers were getting the most for their money and the courts were operating as efficiently as possible. On the day-to-day matters, the Delaware Courts joined forces with the University of Delaware’s Lerner College of Business and Economics to enter into a “process improvement” agreement. This led to a number of improvements, including moving the Court of Common Pleas bail tracking process from a paper-based system to one on a shared computer database and eliminating other paper-based processes in favor of electronic documents. Judicial branch employees also learned how to operate more efficiently which saved thousands of hours of staff time.

The Court also formed the Criminal Justice Council of the Judiciary, made up of trial court judges to review the operations and efficiency of our problem-solving courts. The goal was to improve, enhance and streamline the State’s problem-solving courts to have them operate more consistently and efficiently while continuing to provide the same level of specialized attention to address the root causes of recurring issues among certain groups – particularly veterans and those suffering from mental health issues or addiction.

The Council finished its work in April 2017, issuing a detailed report containing recommendations such as merging four separate drug and mental health

courts in the Court of Common Pleas and Superior Court into two courts with cross-jurisdictional authority. This report also directly led to the creation of core standards and policies for the problem-solving courts, to establish a truly statewide system, and to ensure that needed treatment courts would endure. The report also led to the formation of a Community Court program to better coordinate and integrate problem-solving courts and treatment programs and to intervene with low-level offenders to get them the help they need to break the cycle of crime before it starts.

## Identifying flexible funding solutions for Judicial Branch needs

The Court has worked with the Governor’s office and the General Assembly over the past five years to obtain additional spending authority to support Judicial initiatives – like e-filing, Access to Justice, and recruitment and retention – as approved by the Office of Management and Budget and the Controller General’s Office.

In addition, the Courts have been able to secure funds to create a “technology fund” to allow the court to develop a more rational approach to fixing and replacing technology vital to court operations on an ongoing basis, rather than wait until systems were on the brink of collapse. The Courts hope to continue to increase the size of that fund to build on this progress and keep core court technology on the cutting edge and operating at peak efficiency.



Chief Justice Leo E. Strine, Jr at an Oct. 28, 2019 budget hearing in Legislative Hall.

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## Investing in court employees, infrastructure, and the smart use of technology

During his tenure, Chief Justice Strine was a relentless advocate for employees, pressing for improved pay for not just Judicial Branch employees, but all state employees. His successes included

meet future needs and to ease overcrowding in the Court of Chancery.

As for the smart use of technology, the Courts have been working to implement a statewide e-filing system for all courts. While some courts, like the Court of Chancery, have long had electronic filing and case management, others, like Family Court, still rely on manila folders and paper records. Leaving paper-based systems behind would not only help improve overall efficiency in moving case files and records smoothly and quickly from place to place, the change would cut supply and storage costs that come with paper files. Moving to a fully integrated e-filing system will also allow greater ability to analyze court data and trends and better integrate with system partners.

Finally, the Courts have also been working with our State partners to consider a public-private partnership option, known as a “P3,” to speed the construction and opening of two new downstate Family Court facilities and improvements in New Castle County while giving the taxpayers the best value for their dollar. The P3 model is innovative and has been used by a neighboring jurisdiction – Howard County, Maryland – to bring needed court facilities online sooner and at a lower overall cost.



Architect's rendering of proposed Sussex County Family Courthouse in Georgetown

changes in the “casual/seasonal” or “contracted” employee status of some employees to full-time positions. Chief Justice Strine also worked with the Governor’s Office and the General Assembly to implement a program to provide parking for employees at the Leonard L. Williams Justice Center as part of a recruitment and retention effort.

On infrastructure, work has also started on fitting out the unfinished 7th floor of the Leonard L. Williams Justice Center in Wilmington to become the new home for Justice of the Peace Court 20 and the Wilmington Community Court program. The completion of work on the 7th floor will mean the Justice Center has been completely built-out. The Courts have suggested that additional efficiency and savings could be realized by including renovation of the Court-owned Custom House property adjacent to the Justice Center in a proposal along with the new downstate Family Court facilities – allowing expansion of Leonard L. Williams Justice Center to



Architect's rendering of proposed Kent County Family Courthouse in Dover

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Whether through a P3 or traditional approach, the Courts remain hopeful that executive branch and legislative leaders will put the needed Family Court facilities, along with potential renovations at the Leonard L. Williams Justice Center, on a fast track to address the glaring security and safety issues at those downstate courthouses and space issues in Wilmington.

## **Involving the Bar in setting our future agenda**

In early 2015, the Courts reached out to the Delaware State Bar Association (DSBA) and the Delaware Chapter of the American College of Trial Attorneys (ACTL) to survey members of the Delaware Bench and Bar and others about court operations and to solicit suggestions on where the Courts might improve (tying into the Court's parallel effort to maximize its use of limited resources).

More than 100 members of the Bar, including judicial officers, were interviewed and more than 1,300 responses were collected in an online survey. This resulted in a detailed report released in May 2016, recommending a variety of reforms including changes in the rules governing interlocutory appeals and case management practices. It also led to legislation that modernized jurisdictional limits for several courts and the formation of a task force to review the Administrative Procedures Act.

## **Improving access to justice for all Delaware citizens and the justice system overall**

Improving Access to Justice was the predominant theme of Chief Justice Strine's tenure. While many other states have formed Access to Justice commissions whose focus was on civil access issues particularly for the poor and indigent, Delaware was unique in that it expanded the scope to include criminal justice issues. A Committee on Fairness in the Criminal Justice System examined the disproportionately high number of African-Americans in Delaware's prisons and made

recommendations on how to address that disparity while maintaining public safety.

The public was also included in the work of the Delaware Access to Justice Commission, not only by having members of the public serve on the commission but also through a series of public hearings in the fall and winter of 2015. The Access to Justice effort touched on, contributed to, and guided many of the key Judiciary initiatives over the past five years and led to a number of notable successes including the implementation of a comprehensive reform of Delaware's bail and pretrial system and the founding of the Community Resource Center. Legislation reforming the pretrial system was passed in 2018 with an Interim Rule effective on January 1, 2019. Work also continues on addressing and implementing recommendations made in the September 2018 final report from the three civil justice subcommittees. This includes improving programs to increase legal assistance for the poor and the conversion of the law libraries at each of the county courthouses into self-help centers for people who do not have an attorney (co-located with a Community Resource Center). A final report from the Fairness Committee of the Access to Justice Commission is expected in the early months of 2020.

## **Addressing work-life balance issues for attorneys**

In July 2018, the Delaware State Courts adopted a new standard designed to improve the work-life balance for legal professionals in the State. Foremost among the changes was an order that moved the filing deadline for State Courts in non-expedited cases to ease the burden of a late filing deadline on staff and attorneys. The Supreme Court also encouraged all courts to consider adopting other measures to ease the burden on legal professionals in the State. Some of the recommendations included things like avoiding setting important deadlines on Mondays or the day after a holiday and avoiding scheduling trials or oral arguments in August.

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In his letter of resignation to Governor Carney, Chief Justice Strine wrote that his decision to leave the bench was “bittersweet,” but the main emotion he felt was gratitude. Specifically, gratitude to the people of Delaware for allowing him to serve, to the Governors who appointed him, to the dedicated public servants he worked with during his career with the State, and, in particular, to the hard working employees of the Judiciary.

“I am also grateful, Governor,” the Chief Justice wrote, “that I can say to you with confidence that the Judiciary of this state is strong, that we are addressing our challenging and diverse caseloads

with diligence, skill and dispatch, and that we are continually looking for new ways to serve the people of Delaware more effectively. In particular, the entire Judiciary is deeply invested in improving access to justice for all Delawareans, and doing what we can to improve the fairness of our criminal justice system. As Carrie and I move on to a new phase of our lives, I just hope that during my nearly 27 years of service to Delaware, I have contributed in some modest way to making our state stronger and more equitable.”

The Delaware Judiciary thanks Chief Justice Strine for his many years of service and wishes him well. ♦



Retiring Chief Justice Leo E. Strine, Jr. greets incoming Chief Justice Collins J. Seitz, Jr. outside the historic Courthouse in Old New Castle before administering the Oath of Office.

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## Welcome Chief Justice Collins J. Seitz, Jr.

On October 24, 2019, Governor John Carney nominated the Honorable Collins J. Seitz, Jr. to replace outgoing Chief Justice Leo E. Strine, Jr., as the ninth Chief Justice of the Delaware Supreme Court.

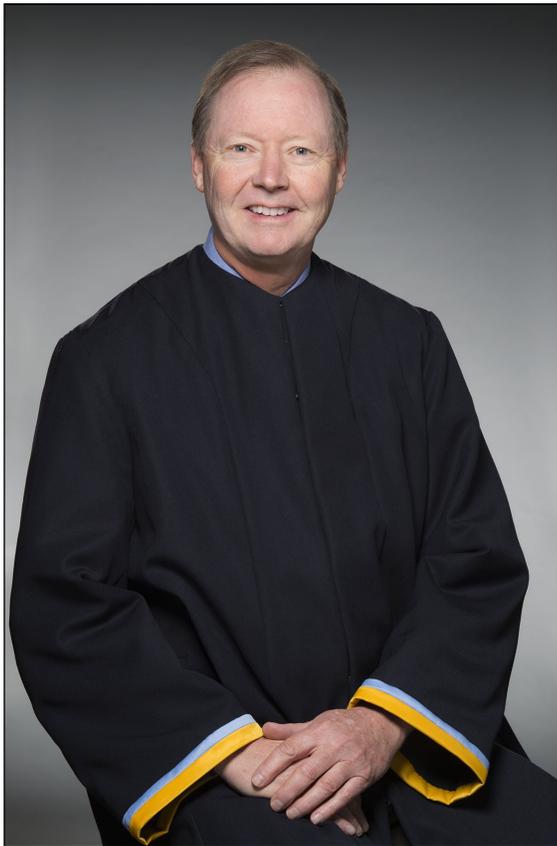
Two weeks later, meeting in a special session on November 7, 2019, the Delaware Senate approved the elevation of Justice Seitz to Chief Justice in a unanimous 21-0 vote.

Following the confirmation vote, Governor Carney described Chief Justice Seitz as “one of Delaware’s finest legal minds,” and praised him as a person who “has the judgment, sense of fairness, and experience necessary to maintain and build on the Delaware courts’ reputation as objective, stable, and nonpartisan.”

On November 8, 2019, in a small, private ceremony at the historic Courthouse in Old New Castle, retired Chief Justice Strine administered the Oath of Office to Chief Justice Seitz.

At his confirmation hearing Chief Justice Seitz promised legislators, “I will work hard, I will do my best. I will always keep the citizens of Delaware in my mind.” Chief Justice Seitz also told the members

of the Senate that the priorities outlined by Chief Justice Strine in his October budget presentation – namely the need for new Family Court facilities in Dover and Georgetown and the need for a new, modern e-filing and case management system for all Delaware Courts – remain his top priorities as Chief Justice.



**Chief Justice Collins J. Seitz, Jr.**

Chief Justice Seitz first joined the Supreme Court as a Justice in 2015 after his nomination to the bench by Governor Jack Markell. Before his appointment to the bench, Chief Justice Seitz was a founding partner of Seitz, Ross, Aronstam & Moritz LLP, where he regularly litigated corporate, commercial, and intellectual property cases, and advised clients on issues of Delaware corporate law. Before that, Chief Justice Seitz was a partner at Connolly Bove Lodge & Hutz LLP, where he practiced for more than three decades. During his years in private practice, Chief Justice

Seitz was well known in Delaware for his representation of the State in the United States Supreme Court case *New Jersey v. Delaware*, where Delaware prevailed in its claim to ownership of the Delaware River in the Twelve Mile Circle.

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In addition to his work in the courtroom, Chief Justice Seitz has remained involved in his community. He has served as a trustee for the New Castle Presbyterian Church and as a board member of the Friends of Hockessin Colored School #107.

He has also served as a former board member and president of the Greater Hockessin Area Development Association, and as a former board member and president of Community Legal Aid Society.

Chief Justice Seitz carries on a family tradition of public service in the law. He follows in the footsteps of his late father, Collins J. Seitz, Sr. (1914-1998), who served on the Delaware Court of Chancery as Chancellor and later as Chief Judge of the U.S. 3rd Circuit Court of Appeals. Chief Justice Seitz's father was also a "Judge" of the Delaware Supreme Court as opposed to a "Justice" in that he served on the state's highest court during the years when the court was comprised of sitting trial judges from the Court of Chancery and the Superior Court. (In 1951, the Delaware Supreme Court became a separate court with its own Justices.)

In 1952 as Chancellor, Seitz, Sr. made national

headlines and legal history in the cases of *Bulah v. Gebhart* and *Belton v. Gebhart* when he ruled that African-American students in Delaware were receiving an inferior education under the segregationist doctrine "separate but equal." The cases later went on to become a part of the landmark 1954 Supreme Court ruling in *Brown v. Board of Education* that ended segregation in all public schools in the United States. The Delaware cases were the only cases affirmed by the United States Supreme Court.

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Following his confirmation hearing, Chief Justice Seitz said, "I know my father is looking down at me from heaven, and I know he would be proud."



Chief Justice Collins J. Seitz, Jr. takes the Oath of Office —as his wife Gail holds the Bible — administered by retired Chief Justice Leo E. Strine, Jr. on Nov. 8, 2019 at the Historic Courthouse in Old New Castle.

Chief Justice Seitz received a Bachelor of Arts from the University of Delaware in 1980. He earned his law degree at the Villanova University School of Law in 1983 and was admitted to the Delaware Bar that same year. Chief Justice Seitz is married with three children. ♦