

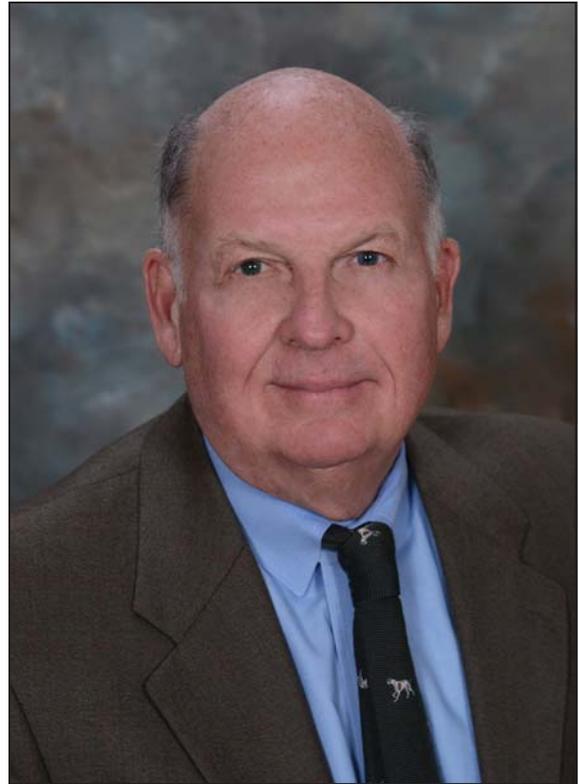
# MESSAGE FROM CHIEF JUSTICE MYRON T. STEELE

This is my tenth, and final, fiscal year message for the Judiciary. The last nine and one-half years, during which I have had the honor of serving as Chief Justice of the Delaware Supreme Court, have proven challenging, at times, and also immensely rewarding, given the many accomplishments of the Judicial Branch during those years. I must begin by acknowledging, and expressing my gratitude for, the outstanding efforts and wisdom of individual judges and, collectively, the Courts, the Administrative Office of the Courts, and other branch employees. It is because of the talents and resourcefulness of my colleagues and staff within the Judicial Branch that we have achieved notable success in implementing efficiencies and streamlining practices. These initiatives have squeezed the most possible out of every state dollar, while helping us provide better and more effective services to Delaware citizens.

Looking back on my tenure as Chief Justice, I have maintained a consistent focus on a number of areas impacting the Judicial Branch. One area of major concern has been protecting the role of the Judicial Branch as an independent, co-equal branch of government. The Judiciary must be adequately funded, with sufficient resources and compensation for judges and staff, to function consistently with its constitutional mandate and to deliver fair and impartial justice. The fiscal challenges have been particularly difficult during my time as Chief Justice, as we have navigated through funding cutbacks, hiring freezes, and other measures to help address the fiscal challenges which impacted state government beginning in 2008 and have continued, for the most part, since then.

The Judiciary's efforts since the inception of the fiscal crisis have resulted in almost \$9 million in personnel cost savings and additional millions in increased state revenue, through our filing fee increases and innovations. Our willingness to join with the other branches of government to ensure fiscal stability has proven costly, at times, when considering overall court operations. My concern has grown with the widening gap between court caseloads, which experienced a 19% increase between FY 2003 and FY 2013, and declining resources.

Even considering the fiscal challenges which the Judicial Branch has faced, Fiscal Year 2013 proved to be an extremely difficult time for the Judicial Branch. The shootings which occurred at the New Castle County Courthouse on February 11, 2013 affected all of us in Delaware personally, and indelibly etched the importance of court security in our psyches. One doesn't often think about some-



**Chief Justice, Delaware Supreme Court (2004-2013)**  
**Justice, Supreme Court (2000-2004)**  
**Vice Chancellor, Court of Chancery (1994-2000)**  
**Resident Judge Kent County, Superior Court (1990-1994)**  
**Judge, Superior Court (1988-1990)**

thing like that happening. But it did, costing two victims their lives, injuring two others, and representing a direct attack on the very core of the justice system – the courts. Those tragic events will have a rippling effect on all of our lives for years to come.

Another focal point during my tenure has been the Courts' ability to obtain secure and dignified court facilities. The Courts have recognized the difficulties in providing a safe environment for all who enter our courthouses, while maintaining an open forum to ensure access for all. In the wake of the violence on February 11<sup>th</sup>, I faced questions about the safety and security of our Courts head on – both for the public who access our justice system and for the employees who work within the system. Instead of jumping into an instant, and perhaps flawed, response to those questions, we followed a thoughtful process and developed a rational security plan – focused on ensuring that the best possible court security measures are in place. We conducted thorough security reviews of Delaware courthouses statewide, relying on our security experts, includ-

ing the U.S. Marshal's Service and the Delaware Office of Safety and Homeland Security. In addition to seeking guidance from those experts, we solicited suggestions from employees and others on security issues, and developed a list of critical court security needs that was submitted to the Executive and Legislative Branches in April of 2013.

Those court security priorities included additional security staffing for both Capitol Police and the Justice of the Peace Court; improvements to the configuration of the lobbies of the New Castle County Courthouse and other courthouses; extra cameras, ballistic security barriers, and other security equipment; policy and training enhancements; as well as other structural improvements to enhance security. We left no stone unturned in scouring all possible funding sources and, as a result, we developed a funding plan to support these critical priorities, which included \$1 million from resources under our control. With the support of the Governor and the Legislature, an additional \$2.2 million, and 25 positions, were included in the FY 2014 budget to address these critical security priorities.

We remain gratefully in debt to the Capitol Police, and others, whose quick actions on February 11th prevented a very tragic event from becoming catastrophic. That event brought into focus the need to ensure that the Capitol Police has sufficient resources, equipment and training, to meet the growing security risks at our courthouses. Although the Judiciary has supported addressing the Capitol Police's court security resource needs in the past, I am pleased that combined recent efforts resulted in the addition of 17 new Capitol Police positions for court security in FY 2014.

We made tremendous progress with a number of security initiatives in the months that followed the shootings, including instituting branch-wide security policies, such as the establishment of courthouse security committees and a statewide court security committee to provide guidance to the Supreme Court on security issues, a statewide emergency notification system, courthouse emergency procedures booklets and related computer-based training, and training for court security officers, Capitol Police, and court staff to enhance our emergency preparedness. Substantial progress has been made on physical security projects, such as the installation of ballistic materials for public access counters in the New Castle County Courthouse, the

establishment of statewide priorities for additional security cameras and ballistic or Kevlar materials in public areas, and the redesign of the New Castle County Courthouse lobby, with the completion of those projects anticipated by the spring of 2014.

Besides progress on security, I would like to mention two budget highlights during my tenure as Chief Justice. First, the two new, much needed, Superior Court judgeships and associated court staff, have helped to address burgeoning caseloads since the last new Superior Court judges were added in New Castle County in 1994. The full funding of the new judgeships, although it took longer than we wished, demonstrated the other Branches' appreciation of the Judiciary's disciplined approach in determining when to ask for new judges based upon quantified needs. Second, the completion of the Kent County Courthouse renovations represented a significant accomplishment. The new wing of the Kent County Courthouse, along with the renovated old courthouse, provides a well-designed and secure court facility, which should serve the people of Kent County well for many years to come.



**Representative Melanie George Smith presenting a House Tribute, on January 16, 2014, to Chief Justice Steele and Beth Steele, recognizing his outstanding judicial service.**

One very serious budget concern that I regret has worsened while I have been Chief Justice is the compensation rates paid to Judicial Branch employees and Delaware judges, which have continued to fall further and further behind inflation and benefit cost increases. The inability of the Delaware Compensation Commission process to address Delaware judges' pay since 2005 – when the last functioning Compensation Commission report went into effect – has compounded judicial pay issues. While Delaware judges and court staff know that they are foregoing better pay opportunities in

the private market when they answer to the higher calling of public service, they do not expect that the value of their pay will continue to diminish throughout their years in state service. Just considering inflation (not including benefit cost increases), the salary of a court employee paid \$34,000 annually has, effectively, dropped by close to \$3,000 because of inflation in the last nine years. I realize that each court employee can ill afford that loss, while trying to cope with increasing transportation and, in Wilmington, parking costs, along with their families' growing living expenses. Although I am proud of the Judicial Branch's many accomplishments during my tenure, I leave this position disheartened by the declining financial positions that the dedicated public servants in the Judicial Branch are facing.

Continued on next page

## A MESSAGE FROM THE CHIEF JUSTICE

Finally, I am grateful that the Delaware Courts continue to be viewed as the nation's top court system. We have been ranked number one in the country for our "climate of fairness" by a U.S. Chamber of Commerce study for 10 times in a row. Delaware Courts are consistently recognized as "most influential" by the *Directorship*, a magazine for corporate board members and high level corporate executives. In addition, individual Delaware judges are frequently recognized on a national basis, and have been repeatedly included on the *Lawdragon* legal magazine's list of leading attorneys nationwide in the area of corporate governance, and on the *Ethisphere* magazine's list of the most influential persons in business ethics.

Through amendments to the Delaware Constitution in 2007 and 2013, the Delaware Supreme Court was provided jurisdiction to consider certified questions of Delaware law submitted by the Securities and Exchange Commission (SEC) and the United States Bankruptcy Courts. Following the 2007 amendment, the SEC's use of the new certification process in 2008 demonstrated the Delaware Supreme Court's important national role in corporate law.

I am keenly aware that Delaware's national, and international, preeminence results directly from the individual, and collective, efforts of those in the Judicial Branch. Some recent programs and innovations instituted by the Courts to enhance the services we provide, include problem-solving courts in all of the criminal trial courts, electronic filing and payment initiatives, Court of Chancery's guardianship program, Superior Court's mortgage foreclosure mediation and project rightful owner programs, Court of Common Pleas' SPEED docket for expediting civil litigation and procedures for consumer debt collection litigation,

Family Court's statewide call center, risk assessment for pre-adjudicated juveniles, and website enhancements, and Justice of the Peace Court's Prosecution Project, Community Court initiative, online resources, and security efforts.

We have established a number of task forces, such as the Racial Justice Improvement Project, the Task Force on Criminal Justice and Mental Health, and the Fairness for All Task Force, all of which have resulted in significant systemic improvements. We have strengthened our liaison activities with the other branches of government, through initiatives such as the establishment of the Judicial Branch legislative team, which has enabled us, as a Branch, to speak with a unified voice. In addition, the Administrative Office of the Courts (AOC) has worked hard to enhance its support of Branch initiatives through coordination of security projects, grant-related activities and services for problem-solving courts, the expanded court interpreter program, facilities' projects, community education, and staff training, technology-related projects, court collections enforcement, and other initiatives.

I am immensely proud of the Judicial Branch's many achievements during my time as Chief Justice and the exceptional services we provide. Although I look forward to the next "chapter" in my life, I will greatly miss working with the many talented judges and staff in all of the Courts and the AOC.



*"A judiciary is only as good as the men and women who serve in it—and quite simply, Chief Justice Steele is as good as they get. In addition to serving as Chief Justice, he has served on our Superior Court and Court of Chancery. He is a tireless and forceful advocate for our state's judiciary and indeed, for the entire State of Delaware. We don't always agree, but I can say with confidence that no one cares more about our state courts than Chief Justice Myron Steele.*

*With no disrespect to any of the men and women in this room, I believe Delaware's judiciary is the 'gold standard' – and I want to thank Chief Justice Steele for all of his work in building and maintaining what I believe is the finest state judiciary in the nation. Thank you, Chief Justice Steele.*

*As you know, the Chief Justice's passion and commitment do not stop at the borders of our State. Before he ever became President of the Conference of Chief Justices, he was an avowed defender of state courts and of the role of states in the governance of our republic. A proud graduate of Mr. Jefferson's university – the University of Virginia – and its law school, the Chief Justice has always been a student of history and of government. He is someone who knows that the strength of our courts depends on their independence. But he is also someone who knows that independent branches of government do not exist in silos; and that in the real world the different branches of government work best when they work together."*

**Governor Jack Markell, Remarks to the Conference of Chief Justices, July 30, 2013**