

ADMINISTRATIVE DIRECTIVE NO. 90

This 23rd day of February 1993,

It appearing that:

A. It is important that the Judicial Branch of government in Delaware address the issue of bias and invidious discrimination with respect to age, color, gender, national origin, physical or mental disability, race, religion, sexual orientation, or socioeconomic status (hereinafter "bias") in the justice system;

B. Although the courts, as an integral component of society, might be found to reflect such biases, the Judiciary has a duty to improve society through the quality of its decisions and to demonstrate effective approaches to human relations through its operations;

C. Judges, lawyers, and court personnel are responsible for fulfilling their roles in accordance with the highest standards of professionalism.

D. All persons operating within the judicial system should be aware continuously of the need to speak and act without regard to any such bias;

E. No evidence has been brought to the attention of the Chief Justice that there is any such bias being practiced intentionally by members of the Delaware Judiciary, lawyers, or court personnel;

F. Subtle or unintentional examples of such biases in the judicial system of this State may nevertheless be found to exist;

G. It is important that the Judicial Branch make a clear policy statement that any such biases, whether explicit, subtle, intentional or unintentional, are unacceptable;

H. It is likewise important that members of the Judiciary, lawyers, and court personnel be sensitive to the recognition of any such biases; and

I. Information should be collected by each of the respective courts of the Judicial Conference so as to the identify any such bias, and steps should be undertaken to address the same.

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the members of the Supreme Court, pursuant to Del. Const. Art. IV, § 13(1), that:

1. It is the policy of the Judicial Branch of the State of Delaware that any such bias, whether explicit, subtle, intentional or unintentional, is inimical to the proper functioning of the judicial system and is unacceptable.

2. Judges, lawyers, and court personnel should be sensitive to the recognition of any such bias, or the appearance thereof, and should take reasonable steps to correct the same, including but not limited to:

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- a. Avoiding stereotyping of individuals in groups;
 - b. Using consistent forms of address;
 - c. Avoiding the use of terms that reasonably can be construed as reflecting any such bias (such as terms that contain gender specific references); and
 - d. Treating all persons with equal respect and dignity regardless of age, color, gender, national origin, physical or mental disability, race, religion, sexual orientation, or socioeconomic status.
3. The presiding judges of the respective courts should take such reasonable steps as they deem appropriate within their respective courts to carry out this Directive and cooperate with any efforts to eliminate such bias in the judicial system.
4. The presiding judges shall submit a comprehensive written report to the Chief Justice on or before July 1, 1993. Each such report shall include, without limitation, the following:
- a. Identification of areas, if any, where examples of bias exist, and any steps which have been taken to correct the same.
 - b. Recommendations, if any, with regard to the need for, and feasibility of, a task force or task forces devoted to the study of bias within each respective court, to the extent such court shall determine that it lacks the resources, time, or expertise to undertake any such study without outside assistance.
5. The Chief Justice thereafter, with the concurrence of the members of the Supreme Court, will determine whether or not, and to what extent, it is desirable and feasible to take further action.

E. Norman Veasey
CHIEF JUSTICE

cc: Judicial Conference
Administrative Office of the Courts
Court Administrators
Clerk of the Supreme Court
Board on Professional Responsibility
Board of Bar Examiners
Delaware State Bar Association
Feasibility Committee