

**SHAPING DELAWARE’S COMPETITIVE EDGE:**

**A Report To The Delaware Judiciary on  
Improving the Quality of Lawyering in Delaware**

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<sup>1</sup> The following members of the bar support the recommendations in this Report: Peggy L. Ableman; Thomas J. Allingham, II; Adam L. Balick; Stephen B. Braerman; P. Clarkson Collins, Jr.; Bartholomew J. Dalton; Richard Galperin; Michael P. Kelly; Gretchen S. Knight; Elizabeth M. McGeever; Mark L. Reardon; Kevin R. Shannon; Donald J. Wolfe, Jr.; and Jessica Zeldin.

## INTRODUCTION

The purpose of this Report is to recommend ways in which the Delaware state courts can help to make the “workplace . . . fit the realities of our lives”<sup>2</sup> and to make things “saner.”<sup>3</sup> We believe these recommendations will benefit lawyers regardless of gender. We also believe these recommendations will benefit staff who have their own work life balance issues and should not be expected to make the same commitments that attorneys have to sacrificing their personal life to fulfill their professional responsibilities.

The question of work life balance does not involve a one size fits all answer, and this Report does not purport to solve the difficult dilemma of how to balance the demands of legal practice without slighting essential and fun family and personal time. Any one of the recommendations or any combination of the recommendations will not fundamentally change the practice of law or the expectation that the “law is

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<sup>2</sup> “The problem is with the workplace, or more precisely, with a workplace designed for the ‘Mad Men’ era, or ‘Leave it to Beaver’ families in which a partner does all the work of earning an income and the other partner does all the work of turning that income into care – the care that is indispensable for our children, our sick and disabled, our elderly. Our families and our responsibilities don’t look like that anymore, but our workplaces do not fit the realities of our lives.” Anne-Marie Slaughter, *A Toxic Work World*, N.Y. TIMES, Sept. 25, 2015 (“*Toxic Work World*”).

<sup>3</sup> The Honorable Leo E. Strine, Jr., Chief Justice, Delaware Supreme Court, *Having It . . . Saner*, Address at the Delaware State Bar Association Women and the Law Section Retreat (Mar. 6, 2015).

a 24/7 profession.”<sup>4</sup> But we believe the recommendations in this Report should contribute to a more balanced structure to the practice of law in Delaware, helping lawyers and their staff to enjoy both their professional and personal lives more.

As we explain, our recommendations include the judicial adoption of scheduling practices that will take work life balance issues into consideration, including endeavoring not to schedule filings on Mondays or the day after a holiday, being sensitive to scheduling arguments or trials in non-expedited cases in August or during holiday weeks and not issuing opinions late on Friday afternoons. These are a recommended set of best practices in non-expedited cases and are not intended to be rigid mandates. They are instead good practices that will improve the quality of life of lawyers, court staff, law firm staff and litigants, and that we recommend be followed when they will not interfere with the administration of justice.

The recommendations also include a 5:00 p.m. filing deadline for non-expedited cases in all the courts of the State of Delaware. The current electronic filing (“e-filing”) deadline for all Delaware state courts (other than Family Court, which currently does not have e-filing) is 11:59 p.m. Before the advent of e-filing, there was an expectation that filings would be made by 4:30 p.m. when the courts closed. E-filing changed that expectation, and Delaware practitioners are often

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<sup>4</sup> *Retaining and Advancing Women in National Law Firms* 24 (Stanford Law School, Women in Law Policy Lab Practicum, May 2016).

asked by their co-counsel, “What is the *latest* possible time we can file?” The answer to that question is 11:59 p.m., but the answer contributes to a “culture of overwork.”<sup>5</sup>

Delaware’s courts have been national leaders in many aspects of jurisprudence, and they should continue their leadership by implementing a series of initiatives designed to improve the quality of life for attorneys practicing in those courts.

We emphasize at the outset that we submit this Report solely in our capacities as individual members of the Bar—not on behalf of our firms, any committees or anyone else. As set forth herein, we recognize that there are many practitioners who oppose the imposition of filing deadlines. Among other things, the Work Life Balance Committee (*see* Section I.D, *infra*), created in 2015 at the urging of the Supreme Court, was divided on the issue and the results of the DSBA Survey (*see* Section I.C, *infra*) do not support changing the current filing time. We certainly respect the views of those who view this issue differently. Nonetheless, we think it appropriate for all views to be articulated to and considered by the Judiciary as they determine the path forward, and we have attempted to address the concerns that were raised by the members of the WLB Committee and in the DSBA Survey.

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<sup>5</sup> *Toxic Work World.*

## **I. PROMOTING WORK LIFE BALANCE REGARDING FILING NON-EXPEDITED PAPERS WITH THE COURT**

### **A. The History of E-filing in Delaware**

Before the implementation of e-filing in Delaware, all pleadings were filed by hand with the respective court's clerk. The court clerks were open to accept filings until 4:30 p.m., and as a result, the practice was to file before the court clerk's office closed:

In 1991, the clerk's office closed at 4:30 p.m. Of course, there was a drop box for emergency filings, but generally if the document was not filed by COB it was considered as filed the next day. For the next 25 years eFiling has permitted us to expand our workday to midnight. The clerk still goes home at 4:30 p.m., but the virtual lights remain on until 12:00 a.m.<sup>6</sup>

The Superior Court and the Court of Chancery had night boxes that were available for after-hours filing, but the use of the night boxes (*i.e.*, after 4:30 p.m. filings) was the exception and not the rule.

The Superior Court was the first court in the state and in the nation to implement e-filing.<sup>7</sup> On December 2, 1991, the Superior Court implemented the Complex Litigation Automatic Docket ("CLAD") for complex insurance coverage

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<sup>6</sup> Richard K. Herrmann, *The Evolution of eFiling and the Rules of Professional Conduct* (DSBA Bar Journal Nov. 2016).

<sup>7</sup> Superior Court eFiling and Docketing, *available at* [http://courts.delaware.gov/superior/elitigation/tech\\_efile.aspx](http://courts.delaware.gov/superior/elitigation/tech_efile.aspx).

cases, and the first CLAD pleading was e-filed in *Playtex v. Columbia*. In 1994, CLAD filing was extended to asbestos cases. On January 27, 2003, the Superior Court transitioned from CLAD to a new e-filing system.<sup>8</sup> On October 6, 2003, Superior Court expanded e-filing to include all civil cases in which counsel for the claimant certified that the damages exceeded \$100,000 (*i.e.*, non-arbitration cases).<sup>9</sup> On April 1, 2007, e-filing was expanded to include all civil cases designated as an alternative dispute resolution case.<sup>10</sup> On January 1, 2008, all civil complaints, mechanic's liens and mortgage cases became subject to e-filing.<sup>11</sup> On January 1, 2010, all cases filed as judgments became subject to e-filing.<sup>12</sup> On July 1, 2011, all civil appeals filed in Superior Court became subject to e-filing.<sup>13</sup> On May 2, 2012, e-filing was expanded to some miscellaneous cases in Superior Court.<sup>14</sup>

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<sup>8</sup> Superior Court Administrative Directive No. 2003-1.

<sup>9</sup> Superior Court Administrative Directive No. 2003-7.

<sup>10</sup> Superior Court Administrative Directive No. 2007-2.

<sup>11</sup> Superior Court Administrative Directive No. 2007-4.

<sup>12</sup> Superior Court Administrative Directive No. 2009-4.

<sup>13</sup> Superior Court Administrative Directive No. 2011-4.

<sup>14</sup> Superior Court Administrative Directive No. 2012-3.

The Court of Chancery implemented e-filing for most of its cases in October 2003. In 2007, the Court of Chancery expanded e-filing to all new cases (except for probate cases).<sup>15</sup> In 2012, e-filing was extended to probate cases.<sup>16</sup> The Court of Chancery was the first court in the state to use e-filing for all of its cases.<sup>17</sup>

On October 24, 2005, the Supreme Court of Delaware began accepting e-filing in civil appeals from the Court of Chancery and Superior Court in cases that were previously e-filed in those courts.<sup>18</sup> It was the first appellate court in the nation to require electronic filing.<sup>19</sup> The Supreme Court later expanded e-filing to all new

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<sup>15</sup> Administrative Directive of the Chancellor of the Court of Chancery of the State of Delaware, Amended No. 2003-1; *Delaware Courts Lead Nation in Use of Electronic Filing with Major Expansion of LexisNexis File & Serve* (LexisNexis Jan. 8, 2007) (“Delaware courts have added to their legacy of leadership in the use of electronic filing with the announcement that the Delaware Court of Chancery has expanded its use of e-filing for legal documents in all new cases . . .”).

<sup>16</sup> Francis G.X. Pileggi, *Court of Chancery and Register of Wills Announce New e-Filing Procedure*, DEL. CORP. & COMMERCIAL LITIG. BLOG (Aug. 20, 2012), <http://delawarelitigation.com/2012/08/articles/chancery-court-updates/court-of-chancery-and-register-of-wills-announce-new-e-filing-procedure/>.

<sup>17</sup> *Delaware Courts Lead Nation in Use of Electronic Filing with Major Expansion of LexisNexis File & Serve* (LexisNexis Jan. 8, 2007).

<sup>18</sup> Supreme Court Press Release (Oct. 13, 2005).

<sup>19</sup> *Id.*

civil appeals from the Court of Chancery and the Superior Court and to Family Court appeals and Superior Court criminal appeals.<sup>20</sup>

As of the date of this Report, the Family Court does not have e-filing. E-filing will be implemented in the Family Court in 2018. The Family Courts in Kent and Sussex Counties do not accept after-hours filings. The Family Court in New Castle County has a night box for after-hours filings.

The Court of Common Pleas and Justice of Peace Courts implemented e-filing in their civil cases in 2008.<sup>21</sup> E-filing is mandatory in certain civil cases.<sup>22</sup> The Court of Common Pleas has migrated to the same e-filing system as the Court of Chancery, Superior and Supreme Courts this year, and the Justice of the Peace Court will do the same before the end of the year. That means all civil cases in Delaware will be filed on one system, facilitating efficiencies for lawyers and staff. In 2018, e-filing will be implemented for criminal cases. When that happens, Delaware will be the first state to have its entire caseload on one high-quality e-filing system,

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<sup>20</sup> Supreme Court Press Release (Apr. 27, 2006).

<sup>21</sup> Administrative Directive of the Chief Judge of the Court of Common Pleas of the State of Delaware No. 2008-2.

<sup>22</sup> Proceedings filed by *pro se* litigants, proceedings commenced by the State of Delaware and proceedings otherwise excused from e-filing requirements by the court for good cause shown may be e-filed, but are not required to be e-filed. *Id.*



allowing lawyers to have all their cases filed in a uniform manner and to have easy access to all docket information from one system.

In March 2005, the United States District Court for the District of Delaware (“District Court”) implemented e-filing for “all documents submitted for filing in both new and pending civil and criminal cases” except for new complaints.<sup>23</sup> In February 2008, the District Court began accepting new complaints by e-filing.<sup>24</sup>

Delaware courts have led the nation in its use of e-filing.<sup>25</sup> In 2011 (20 years after CLAD was implemented in Superior Court and eight years after e-filing was expanded to the Court of Chancery and the Supreme Court), there were only five states that had statewide e-filing: Alabama, Colorado, Delaware, Nebraska and Utah.<sup>26</sup> “[O]f the states that [had] operating e-filing programs” in 2012, only “one-

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<sup>23</sup> United States District Court District of Delaware Revised Administrative Procedures Governing Filing and Service by Electronic Means at (A)(1) (rev. Oct. 16, 2014).

<sup>24</sup> *Id.* at (C)(1).

<sup>25</sup> *Delaware Courts Lead Nation in Use of Electronic Filing* (Jan. 8, 2008), available at [www.govtech.com/authors/98567509.html](http://www.govtech.com/authors/98567509.html).

<sup>26</sup> *2011 Technology Survey Results Court Automation and E-Filing Revenue* (National Center for State Courts), available at <http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Technology/Court%20Automation%20and%20E-filing%20Revenue-v2.ashx>.

third had mandatory filing.”<sup>27</sup> Some states have implemented mandatory e-filing only within the last few years.<sup>28</sup>

On October 2, 2014, the District Court issued a Revision to Electronic Case Filing Policies and Procedures effective October 16, 2014, “to reflect a new filing and service deadline of 6:00 p.m. Eastern Time for all documents other than initial pleadings. . . .” (Ex. A hereto). New complaints may be filed after 6:00 p.m. and still be considered filed the same day.<sup>29</sup> The 6:00 p.m. deadline has been in effect for almost three years; litigants have adjusted to the 6:00 p.m. deadline; and most District Court practitioners appear to be content with the 6:00 p.m. deadline.<sup>30</sup> We

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<sup>27</sup> *Electronic Filing in Criminal Actions and Proceedings: A Report to the Governor, Legislature and Chief Judge* at 10 (New York Advisory Committee on E-filing in Criminal Court 2012).

<sup>28</sup> WIS. STAT. § 801.18 *et seq.* (2016) (requiring mandatory e-filing for the Wisconsin circuit courts effective July 1, 2016); David Unze, *Minnesota County Courts Transition to e-Filing System*, ST. CLOUD TIMES (Dec. 7, 2015), available at <http://www.govtech.com/public-safety/Minnesota-County-Courts-Transition-to-e-Filing-System.html>; Order Requiring Electronic Filing in Certain Courts, Misc. Docket No. 12-9208 (Tex. Dec. 11, 2012) (mandating electronic filing in all civil cases with effective dates between and January 1, 2014 and July 1, 2016).

<sup>29</sup> “All electronic transmissions of initial pleadings must be completed prior to midnight Eastern Time, in order to be considered timely filed that day.” United States District Court District of Delaware Revised Administrative Procedures Governing Filing and Service by Electronic Means at (F) (rev. Oct. 16, 2014).

<sup>30</sup> One criticism of the 6:00 p.m. deadline is that most day care centers close at 6:00 p.m. This is one of the key reasons why this Report recommends a 5:00 p.m. filing deadline.

received the following statement from the Delaware Chapter of the Federal Bar Association regarding the District Court's 6:00 p.m. filing deadline:

On October 2, 2014, Chief Judge Leonard P. Stark of the United States District for the District of Delaware entered a Standing Order adopting a 6:00 p.m. ET deadline for the timely filing and service of all papers (except for the initial pleadings) in all matters pending before the Court. In the nearly two and a half years since the Standing Order was adopted, it is clear that the Standing Order effectively assists the Court, counsel, and support staff, in maintaining a more predictable schedule. By extension the Standing Order has provided a healthier work-life balance, which ultimately serves as a platform for better advocacy and administration of justice. Overall, the Standing Order has been well received and we have heard positive feedback from clients, Delaware counsel, and counsel from across the country.<sup>31</sup>

**B. Rules Committees Explore a Filing Deadline**

In early 2015, the Court of Chancery Rules Committee, the Supreme Court Rules Committee and the Superior Court Rules Committee each discussed a 5:00 p.m. filing deadline for their respective courts. The Supreme Court Rules Committee and the Court of Chancery Rules Committee did not reach a consensus on whether a filing deadline should be implemented, and if so, what time was appropriate. Most members of the Superior Court Rules Committee opposed a 5:00 p.m. filing deadline because they wanted the flexibility to file after 5:00 p.m.

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<sup>31</sup> This statement was provided by Stephen Brauerman, Esquire, President, Delaware Chapter of the Federal Bar Association.

### C. The DSBA Survey and the Joint Study of Delaware Courts

In May 2015, the Delaware State Bar Association (“DSBA”) conducted a survey of the members of the bar (the “DSBA Survey”). The DSBA Survey included questions regarding a 5:00 p.m. filing deadline. It also included questions regarding certain scheduling issues, including (1) adopting a practice disfavoring non-expedited filings being due on Mondays or the day after holidays; (2) adopting a general practice disfavoring the issuance of non-expedited opinions after 4:00 p.m., and after noon on Fridays; and (3) adopting a practice that the Superior Court, Family Court and Court of Common Pleas start non-expedited trials on time, have a predictable approach to breaks, and end the trial day no later than 5:00 p.m.

The results of the DSBA Survey<sup>32</sup> largely tracked the Rules Committees’ positions on a 5:00 p.m. filing deadline:<sup>33</sup>

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<sup>32</sup> The 5:00 p.m. filing deadline question was answered by 98 practitioners who completed the Supreme Court survey, 130 practitioners who completed the Court of Chancery survey, 160 practitioners who completed the Superior Court survey, 97 practitioners who completed the Family Court survey and 45 practitioners who completed the Court of Common Pleas survey.

<sup>33</sup> Admittedly, these results reflect that most participants in the DSBA Survey oppose a filing deadline. This Report makes the case for a filing deadline even with these results by analyzing the statistics of after-hours filings (*see* Section I.E, *infra*) and addressing the criticisms of a 5:00 p.m. filing deadline (*see* Section I.F, *infra*).

<b>COURT</b>	<b>IN FAVOR</b>	<b>OPPOSED</b>	<b>UNSURE</b>
Supreme Court	33.67%	57.14%	9.18%
Court of Chancery	40.77%	46.92%	12.31%
Superior Court	23.75%	58.75%	17.50%
Family Court <sup>34</sup>	35.05%	45.36%	19.59%
Court of Common Pleas	26.67%	64.4%	8.89%

Court of Chancery, Superior Court, Family Court and Court of Common Pleas practitioners were in favor of not scheduling non-expedited filings on Mondays or the day after holidays:

<b>COURT</b>	<b>IN FAVOR</b>	<b>OPPOSED</b>	<b>UNSURE</b>
Supreme Court	58.59%	34.34%	7.07%
Court of Chancery	55.73%	32.06%	12.21%
Superior Court	48.13%	33.13%	18.75%
Family Court	43.30%	36.08%	20.62%
Court of Common Pleas	48.89%	28.89%	22.22%

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<sup>34</sup> This response bears highlighting. As noted above, Family Court does not have e-filing as of now and did not have e-filing at the time the DSBA Survey was conducted. Thus, those who opposed a 5:00 p.m. deadline were opposing a deadline they already live with, and about which the Family Court has received no complaints. In the DSBA Survey, some Family Court practitioners noted there is essentially a 4:30 p.m. filing deadline now; late day filings are not a problem in their practice; and the deadline should be 4:30 p.m. to coincide with the court's hours.

There was support for a practice of issuing non-expedited opinions before 4:00 p.m., as a general matter, and before noon on Fridays:

<b>COURT</b>	<b>IN FAVOR</b>	<b>OPPOSED</b>	<b>UNSURE</b>
Supreme Court	42.27%	46.39%	11.34%
Court of Chancery	46.97%	40.91%	12.12%
Superior Court	32.92%	41.61%	25.47%
Family Court	36.46%	42.71%	20.83%
Court of Common Pleas	37.78%	37.78%	24.44%

Superior Court, Family Court and Court of Common Pleas practitioners supported adopting a uniform practice that in all non-expedited trials, the courts start the trial day on time, have a predictable approach to breaks, and end the trial day no later than 5:00 p.m.:

<b>COURT</b>	<b>IN FAVOR</b>	<b>OPPOSED</b>	<b>UNSURE</b>
Superior Court	73.42%	15.82%	10.76%
Family Court	65.31%	19.39%	15.31%
Court of Common Pleas	67.44%	13.95%	18.60%

In May 2016, the DSBA and the Delaware Chapter of the American College of Trial Lawyers issued a Joint Study of Delaware Courts (the “Joint Study”), based on the DSBA Survey.

The Joint Study reflected practitioners’ support for e-filing and the accessibility of e-filing.<sup>35</sup> E-filing was also recommended in Superior Court criminal cases.<sup>36</sup> The Joint Study also noted that practitioners preferred the earlier practice of having pleadings attached to the e-filing notifications, rather than the

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<sup>35</sup> Joint Study (Court of Chancery) at 1 (“The advantages of the Court of Chancery’s e-filing system outweigh its disadvantages. Some of the advantages include the immediate access to filings and the flexibility to file from anywhere and at any time.”); *id.* at 4 (“In addition to the convenience and accessibility of the e-filing system, other noted advantages include prompt receipt of notices of filing, the ability to file from any location with electronic access, flexibility to file after hours and the ability to electronically monitor the docket or filings by establishing alerts.”); *id.* at 3 (“There was strong consensus among respondents that the Court of Chancery’s e-filing system is both convenient and accessible.”); *id.* (“The system was also lauded for giving lawyers the flexibility to file at times outside of the Court’s business hours, and for eliminating or substantially reducing distance issues for downstate lawyers.”); *id.* (Court of Common Pleas) at 13 (“Survey respondents were overwhelmingly of the opinion that e-filing should be available and required in all cases, so long as sufficient accommodations are made for pro se litigants. E-filing is efficient, saves resources, and allows filings outside of court hours.”).

<sup>36</sup> Joint Study (Superior Court) at 13 (“Although the surveys revealed no strong consensus on whether to require e-filing, the limited nature of the concerns expressed, which deal primarily with implementation issues rather than substantive disadvantages, lead this report to recommend adoption of e-filing, with care being taken to implement it in a way that will accommodate small firms and make it available to poor and pro se defendants.”).

current practice of having to log in and download the documents.<sup>37</sup> Court of Chancery practitioners also noted that filings were frequently rejected by the Register in Chancery,<sup>38</sup> and the Joint Study recommended “a written codification of all filing requirements and guidelines the failure to comply with which can result in rejection of a filing, and the Court should consider implementing a notice of non-compliance with a limited window for substitution of a compliant pleading, rather than outright rejection of pleadings for non-compliance.”<sup>39</sup>

**D. The Work Life Balance Committee**

In the summer of 2015, a Work Life Balance Committee (the “WLB Committee”) was formed, and it was made up of members of the Court of Chancery Rules Committee, the Supreme Court Rules Committee and the Superior Court Rules Committee.<sup>40</sup> The WLB Committee explored changes the courts can make to improve work life balance and the possibility of a filing deadline. The members of

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<sup>37</sup> “Another suggested returning to the process by which filed documents were attached to the notice rather than requiring a party to log into the system to retrieve the document.” Joint Study (Court of Chancery) at 3.

<sup>38</sup> “[N]umerous respondents reported that filings were not consistently approved or rejected by the [Register’s] Office. Two specific problems were identified: (1) some of the requirements applied are unwritten (that is, not contained in any published Court rules or guidelines); and (2) the written and unwritten guidelines are not consistently applied.” Joint Study (Court of Chancery) at 3.

<sup>39</sup> Joint Study (Court of Chancery) at 2.

<sup>40</sup> Patricia L. Enerio served as the chair of the WLB Committee.



the WLB Committee gathered facts from members of the various courts, colleagues at their firms and other members of the bar. Those findings are set forth below.

**1. Supreme Court**

There are approximately 600 cases filed in the Supreme Court each year, and each case only has a relatively small number of filings, with sufficient time to prepare the necessary filings. As a result, it was reported that a Supreme Court filing deadline may not have a significant impact on practitioners' work life balance. Another member of the WLB Committee noted that appellate lawyers in the public defenders' office appreciate the midnight deadline, and as a result, would oppose an earlier Supreme Court deadline, but would support an earlier Superior Court deadline. But, another reality bears mention: for most Delaware lawyers, filing appellate briefs is just part of the myriad filings they make. In civil cases, the same lawyers who file briefs in our trial courts work on appellate briefs. Because of this reality and the reality that appellate briefs are typically filed on the most predictable, non-expedited basis, several practitioners recognized that having consistency at all levels and across courts was optimal.

**2. Superior Court**

It was also reported that there was opposition by the members of the Superior Court Rules Committee to a filing deadline when it discussed the issue in 2014. Small firms were against it; the asbestos bar was against it, as were other

practitioners. It was also suggested that, if any filing deadline was implemented, 8:00 p.m. or 9:00 p.m. would be the preferred deadline. It was reported that an informal poll was done by the Litigation Section of the DSBA (which is made up of mostly Superior Court practitioners), and the results were not favorable for a filing deadline.

### **3. Court of Chancery**

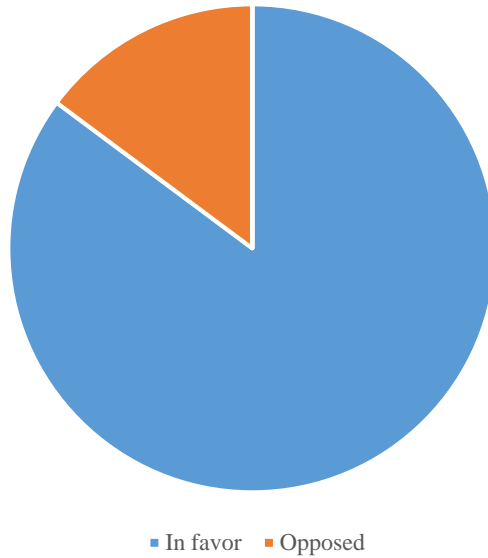
When the Rules Committee discussed the filing deadline in 2015, there was some support for a filing deadline, but there was not a consensus, and there was also not a consensus on the appropriate time. Court of Chancery practitioners are often involved in expedited litigation, and more often than not, the parties in those cases agree to earlier filing deadlines (*i.e.*, 12:00 p.m. or 5:00 p.m.) to accommodate the quick turnaround that is required.

A survey regarding the filing deadline was also conducted at a Women Chancery Lawyers<sup>41</sup> event. The majority of the members supported an earlier filing deadline. There was less consensus regarding the preferred time for the filing deadline. The results of the survey are as follows:

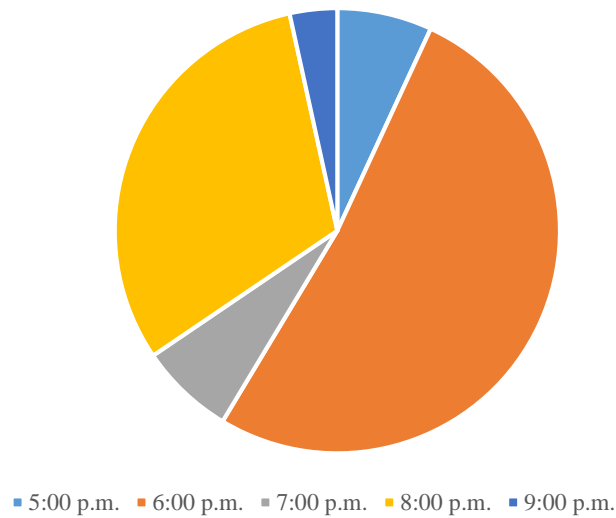
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<sup>41</sup> Women Chancery Lawyers is a networking group for women lawyers who practice corporate and commercial litigation in the Court of Chancery.

Women Chancery Lawyers Survey on Filing Deadline



Women Chancery Lawyers Survey: Preferred Filing Deadline



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The WLB Committee also gathered information from other members of the bar. An informal poll was taken at a monthly meeting of the Women and the Law

section of the DSBA. The majority of the members in attendance supported a filing deadline. One of the members practices in the District Court and reported that she is very happy with the 6:00 p.m. filing deadline. Members of the Women and the Law section also raised not scheduling arguments or trials around holidays and for a couple weeks in August, and that this was the practice in the Superior Court in the early 1990s.

A member of the WLB Committee expressed concern about solo practitioners and small firms' ability to comply with a 5:00 p.m. deadline. He also said that he took a poll at his firm, and the vast majority of associates were opposed to a 5:00 p.m. deadline, but they thought 10:00 p.m. was better than 11:59 p.m. Other members of the WLB Committee reported that an 11:59 p.m. deadline provided flexibility.

Another member of the WLB Committee noted that a filing deadline would help small firms to lower costs in terms of staff overtime payments and help to level the playing field with large firms (who may have night staff).

The District Court's 6:00 p.m. filing deadline was discussed by the WLB Committee. There was concern that having a state court deadline of 6:00 p.m. and a District Court deadline of 6:00 p.m. would be burdensome for practitioners. Also, daycare centers in Wilmington generally close between 5:30 p.m. and 6:00 p.m.

(Ex. B hereto), and a 6:00 p.m. deadline is problematic for parents who need to pick up children from daycare.

The members of the WLB Committee considered conducting additional surveys of the members of the bar. There was strong opposition by some members of the WLB Committee to a 5:00 p.m. (or any) filing deadline. Some of the members were willing to consider a filing deadline, but there was not a consensus on what time was appropriate. There was no consensus on whether there should be a filing deadline or on what time the filing deadline should be set. There was consensus on other initiatives that the courts can implement to improve work life balance, and those recommendations are set forth in this Report.<sup>42</sup>

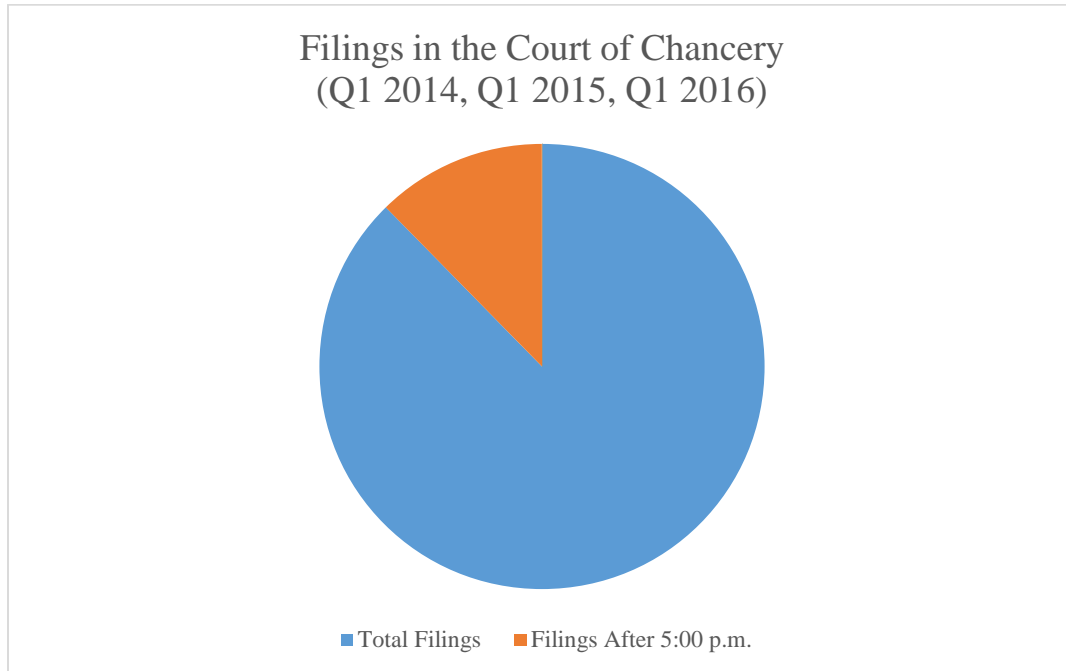
#### **E. E-Filing Statistics**

To better understand the opposition to the 5:00 p.m. filing deadline, we gathered statistics from the Superior Court and the Court of Chancery regarding after-hours filings, including the total number of all-day filings, the total number of after-hours filings, and the time breakdown for the after-hours filings. (Exs. C, D hereto).

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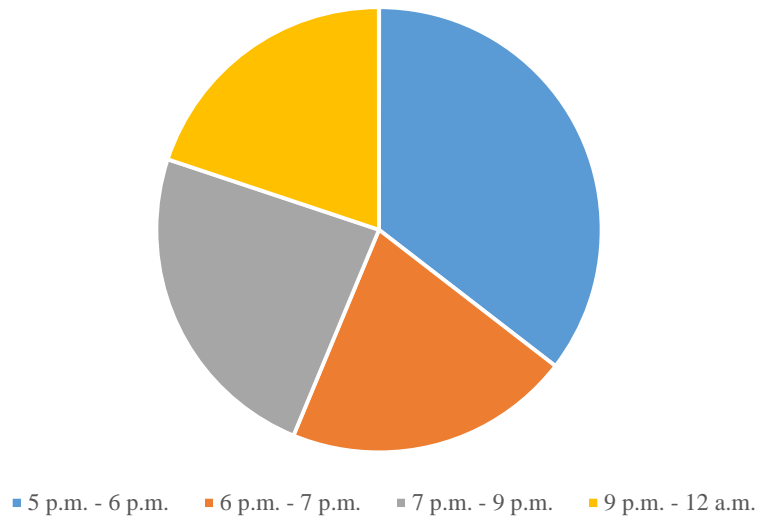
<sup>42</sup> This Report is not a report submitted on behalf of the WLB Committee or its members. But this Report does include the information gathered by members of the WLB Committee and addresses the criticisms and concerns the members raised regarding the 5:00 p.m. filing deadline. Several members of the WLB were provided a draft of this report, and some of the members agreed to support the recommendations in the report and others reiterated their opposition to the recommended 5:00 p.m. filing deadline.

In the Court of Chancery, after-hours filings constituted 15%-16% of the total filings for the first quarters of 2014, 2015 and 2016.



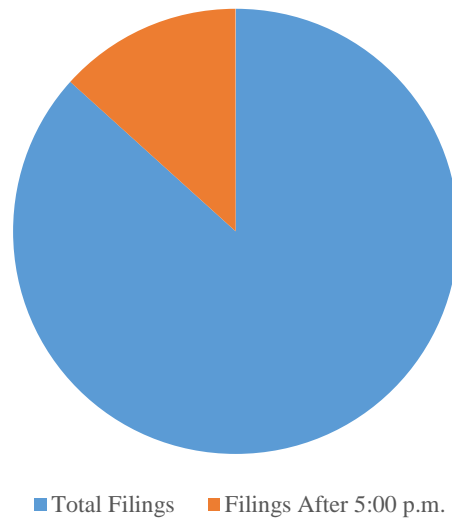
The largest percentage (33%-37%) of the after-hours filings in the Court of Chancery were completed between 5:00 p.m. and 6:00 p.m. In the Court of Chancery, 20-22% of the after-hours filings were done between 9:00 p.m. and 12:00 a.m.

After 5:00 p.m. Filings in the Court of Chancery  
(Q1 2014, Q1 2015, Q1 2016)

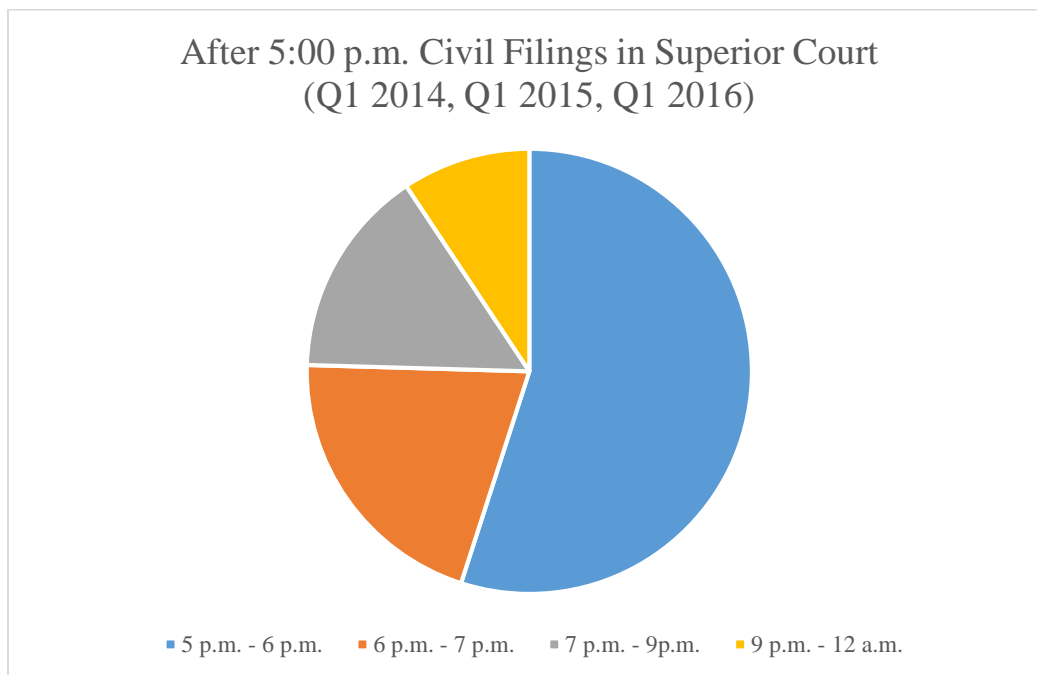


In the Superior Court, after-hours filings constituted 14%-15% of the total filings for the first quarters of 2014, 2015 and 2016.

Civil Filings in Superior Court  
(Q1 2014, Q1 2015, Q1 2016)



The majority (53%-56%) of the after-hours filings in the Superior Court were completed *between 5:00 p.m. and 6:00 p.m.*<sup>43</sup> Only 9-12% of the after-hours filings in the Superior Court occur between 9:00 p.m. and 12:00 a.m.



These statistics show that the overall percentage of after-hours filings is low in comparison to the total filings, but there are still several thousand after-hours filings each quarter (the average is 4,650 for the Court of Chancery and 5,043 for the Superior Court). These statistics also show that the largest number of after-hours filings in both courts are between *5:00 p.m. and 6:00 p.m.* Indeed, over half (53%-55%) of the after-hours filings in Superior Court are completed between *5:00 p.m. and 6:00 p.m.*

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<sup>43</sup> The Superior Court statistics were based on statewide filings in civil, mass tort and asbestos cases.



The after-hours filings in the Court of Chancery are not limited to major filings, such as briefs. (*See* Ex. C hereto). After-hours filings include *pro hac* motions, entries of appearance, notices of deposition, stipulations and proposed orders and subpoenas—filings that are typically not time-sensitive or subject to a deadline. Briefs and associated filings (affidavits, exhibits and certifications) account for a substantial number of after-hours filings, but the deadline for filing briefs in non-expedited cases is typically known well in advance.

In the Superior Court, there are also many types of after-hours filings. (*See* Ex. D hereto). Discovery and associated filings (notices and notices of service) are frequently filed after-hours. Discovery responses are due 30 days after service of the requests, and practitioners can plan accordingly.

After-hours filings are made by both small and large firms in the Court of Chancery and the Superior Court, although large firms are responsible for more of the after-hours filings. (Exs. C, D hereto).

\* \* \*

These statistics show that a 5:00 p.m. deadline will not require a material change in filing practices in terms of when most filings are made. Nonetheless, there are still thousands of after-hours filings each quarter in both the Court of Chancery and the Superior Court, and the filing deadline is recommended to address those filings. Moreover, most of the after-hours filings in the Court of Chancery and

Superior Court take place between 5:00 p.m. and 6:00 p.m. Again, adjusting the filing deadline to 5:00 p.m. will not require a material change in filing practices in light of these statistics. But there are a material number of filings between 9:00 p.m. and 12:00 a.m. in the Court of Chancery, and the filing deadline is meant to address those filings.<sup>44</sup>

**F. Response to the Opposition to a 5:00 p.m. Filing Deadline**

Most of the recommendations set forth in this Report are not controversial. The same cannot be said for the recommendation of a 5:00 p.m. filing deadline. The filing deadline is a contested issue. Below are responses to specific criticisms that have been raised about a 5:00 p.m. filing deadline (including criticism that were raised by members of the WLB Committee):<sup>45</sup>

**CRITICISM:** It will not change the practice of law, which is a 24-hour job, and it will result in more work on the previous day.

**RESPONSE:** A change in the filing deadline is not meant to fundamentally change the practice of law. It is just one change the courts can

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<sup>44</sup> The Family Court in New Castle County recorded after-hours filings from May 16, 2016 and June 17, 2016. During this time period, there were a total of 160 documents filed after-hours (an average of seven after-hours filings per business day). Based on these numbers, a 5:00 p.m. filing deadline would not have a significant impact on Family Court practitioners. *See also* n.34, *supra*.

<sup>45</sup> The members of the bar who participated in the DSBA Survey provided comments in response to the survey questions. The criticisms set forth herein are based in part on those comments.

implement to improve work life balance for staff and for attorneys. The courts do not have to contribute to or exacerbate unnecessarily what is already a stressful and demanding profession.

Indeed, with the growth of technology, it has been increasingly difficult for lawyers to separate their home life from their work life. But, there has been some benefit that partially compensates for the 24-7 access from clients and more senior lawyers. That is the ability to work effectively from home, because all key documents can be accessed. That will be made even easier when the entire Delaware Judiciary is on the same e-filing system, which is to happen within the next year.

For many lawyers, technology has enabled them to engage in key family and personal activities such as, picking up children at day care, preparing and having dinner, taking children to activities such as sports or cultural activities, working out and helping with homework. Later in the evening, the lawyer can work from home if necessary.

Filing a brief, however, is more difficult to accomplish at home. Most litigators will wish to review the brief in hard copy, to check the exhibits and other key tasks. And it is typically more junior lawyers and support staff who play the key role in these final steps, interfering with their free time and family life. With regard to an expedited filing, everyone involved understands. When it is simply the result of the human tendency to delay until any deadline, especially on the part of

those who do not bear the worst consequences of delay, what can result is a dispiriting and unnecessary requirement for litigators and support staff to routinely be in the office late at night to file papers that could have been filed during the business day.

On this point, there is an awkward reality that has to be acknowledged. One very important role Delaware lawyers play is promoting the practice of the highest quality and integrity before our courts, and ensuring that arguments that are not based fairly on the record or on a good faith reading of the law are not presented. This can sometimes involve difficult back and forth between Delaware counsel and correspondent counsel, and of course, also with the client. Senior Delaware lawyers play a key role in these discussions.

But even senior Delaware lawyers are human. When correspondent counsel sends in a version of a brief at 8:30 p.m. on a Thursday night, there can be a natural temptation to tell the junior lawyer to just get it filed. Of course, most senior Delaware lawyers do not do this, but the temptation exists. The quality and sometimes the basic integrity of filings can be compromised by this reality. It seems wise to restore a more sensible system, which discourages procrastination in favor of quality of product and quality of life.

Finally, some senior lawyers might say that they can comment effectively on draft briefs from home. But those lawyers have junior colleagues and support staff

who must be at the office to complete the tasks that need to be done to make sure the filing is in good order. That comes at the cost of their quality of life. And their quality of life is as important as that of the senior lawyers.

**CRITICISM:** Small firms and solo practitioners who are in court all day will not be able to meet the 5:00 p.m. deadline.

**RESPONSE:** If an attorney in a small firm or a solo practitioner knows that she has a brief or discovery due on the same day that she is in trial, then she should request an extension in advance or complete the filing before being in court all day. As set forth in Section I.E, a material number of after-hours filings are briefs in the Court of Chancery and discovery responses in the Superior Court. Practitioners have 30 days to respond to discovery and the typical briefing schedule in a non-expedited case provides for opening and answering briefs to be filed within 30 days and reply briefs to be filed within 15 days. As a result, practitioners have the time to adjust their schedules to accommodate these deadlines or to request an extension.

Practice in expedited cases supports this approach. One of the most interesting realities that we found when studying this issue is that counsel who agree

on briefing schedules in expedited cases tend to agree upon the day each brief is going to be filed *and the time of day*.<sup>46</sup>

The reason for that is simple, but sometimes overlooked. The filing of a brief may be the temporary end of work for the filing side, but often is the beginning of work in that matter for the other side of the *v.* For that reason, most briefing schedules in expedited cases call for briefs to be due at noon or 5:00 p.m. so that the side receiving the papers can begin to analyze the information at a reasonable time of day.

No one wishes to receive the other side's brief at midnight. Taking a cue from what lawyers do when they are under the most time pressure—agreeing to file during the regular business day—and making that the rule, when there is the least justification for last minute filing, just makes common sense.

**CRITICISM:** It will be impossible to meet the deadline when working with West Coast counsel.

**RESPONSE:** In 2014, the District Court implemented a 6:00 p.m. deadline, and all counsel, including West Coast counsel, have adjusted to the deadline.<sup>47</sup> Moreover, before the implementation of e-filing, the courts and the

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<sup>46</sup> This is evidenced by the sample Scheduling Stipulation for a Motion for Preliminary Injunction on the Court of Chancery's website. See [http://courts.delaware.gov/chancery/docs/Model\\_Scheduling\\_Stipulation\\_PI.pdf](http://courts.delaware.gov/chancery/docs/Model_Scheduling_Stipulation_PI.pdf). The sample includes dates *and times* for the filing of preliminary injunction briefs.

<sup>47</sup> See Section I.A, *supra*.

clerks' offices closed at 4:30 p.m., and Delaware counsel had to meet this deadline even when they were working with West Coast counsel.

This is, of course, not surprising. As we stress throughout, we are discussing when, during the last seven hours of a briefing schedule that likely involved 30 to 45 days, a brief may be filed. Counsel in California are well positioned to work in sync with Delaware lawyers on finalizing a brief. For example, they can provide their final comments on a draft the evening before a brief is due. Delaware counsel can come in at 9:00 a.m. (6:00 a.m. PST), consider those edits, enter them, and propose a final version for filing by noon when California counsel arrive to work at 9:00 a.m. PST (12:00 p.m. EST). This leaves ample time to confer and file a final brief by 5:00 p.m. EST.

**CRITICISM:** What about complaints that need to be filed because of statute of limitations issues?

**RESPONSE:** The 5:00 p.m. filing deadline *will not* apply to complaints.

This is, therefore, not an issue.

**CRITICISM:** Litigants will elect to file in other jurisdictions if Delaware courts implement a 5:00 p.m. EST filing deadline.

**RESPONSE:** The District Court has implemented a 6:00 p.m. EST deadline, and cases are still being filed there.

The idea that Delaware will lose its advantage because we have reduced the time to file a brief for summary judgment from 1,080 hours<sup>48</sup> to 1,073 hours<sup>49</sup> is not convincing. As this Report stresses, this recommendation does nothing to restrict filing in expedited cases after hours.

The key reason litigants choose our courts is that cases are handled more expertly and promptly than in any other court system in the United States. Having a filing system that facilitates better filings—because lawyers will be encouraged to be more thoughtful in avoiding last minute approaches to non-expedited filings—and work life balance will, if anything, make Delaware a more attractive place to practice.

Nothing about this initiative, if adopted, would decrease the speed with which our courts resolve cases or the quality of justice they dispense. The corporations and other business entities that choose Delaware do so because they are wise enough to seek out a state of domicile that provides them with a reliable, fair and predictable entity law and courts that promptly resolve disputes under that law. They do not do so because certain of the lawyers they hire sometimes file briefs due for many weeks near midnight.

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<sup>48</sup> 45 days x 24.

<sup>49</sup> 44 days x 23, plus 17 hours.



**G. Why 5:00 p.m. is Important**

As Exhibit B illustrates, most day care centers close no later than 6:30 p.m. A filing time after 5:00 p.m. results in litigators and support staff looking at their watches and worrying that they will again be “that parent” the day care staff dread and have to fine. Because the data demonstrates that a 5:00 p.m. filing time is feasible, and because that filing time facilitates the ability of court staff to accept for filing the vast majority of filings during the same work day, we recommend that time.

In our view, it is critical to recognize how important the time is from 5:00 p.m. to 9:00 p.m. for most lawyers. Even lawyers who work after 9:00 p.m. until midnight often take a pause to have dinner with their families, work out, help with homework and activities, and spend time with their spouses, children, friends and loved ones. As we point out elsewhere, technology has enabled lawyers to do this and to go “back to work” virtually from home. We believe filing motions or briefs in these late evening hours, while possible, does not promote the submission of carefully considered and edited filings.

By restoring a more sensible deadline, Delaware can: (i) improve the quality and integrity of filings; and (ii) allow lawyers and staff a better opportunity to pick up their children from daycare, exercise, have a family dinner, help kids do homework and enjoy more time with friends and family. As we explain, this

approach will not have any material negative impact on the speed with which cases are handled. Thus, the considerable benefits it will have in making lawyers' and staff's lives more balanced can be achieved with minimal cost to Delaware's system of justice.<sup>50</sup>

\* \* \*

There is not a consensus on whether a change to the filing deadline is appropriate, and even if there were, there is not a consensus on what time is appropriate. But there is no demonstrable need for an 11:59 p.m. deadline in non-expedited cases. At 11:59 p.m., the courts have been closed for hours. This late filing deadline encourages filings that may not be the best work product or that may have been in better form if they were filed during the business day.<sup>51</sup> It does not promote an environment where Delaware counsel are given the opportunity they need to review and comment on filings they receive from co-counsel. Several lawyers admitted to us that when counsel in non-expedited cases had filed briefs against them at midnight that they had responded by "holding" briefs for filing until

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<sup>50</sup> There is concern that a 6:00 p.m. deadline would create a "log jam" with the District Court's 6:00 p.m. filing deadline. This is an additional basis for a 5:00 p.m. deadline.

<sup>51</sup> "Those courts sophisticated in the ways of life have realized that both the quality of life and the quality of the final draft have suffered. There is now a trend beginning to turn off the virtual lights at a reasonable hour. . . ." Richard K. Herrmann, *The Evolution of eFiling and the Rules of Professional Conduct* (DSBA Bar Journal Nov. 2006).

midnight themselves as a response, even when their brief was done. The 11:59 p.m. deadline also puts an undue burden on law firm staff who have not committed to a 24-hour profession, and it unnecessarily infringes on attorneys' and staff's family time. There is also very strong precedent for an earlier filing deadline—the District Court implemented its 6:00 p.m. filing deadline over three years ago.<sup>52</sup> For all of these reasons, a 5:00 p.m. filing deadline is justified.

Deviating from the *status quo* (i.e., an 11:59 p.m. filing deadline) attracts criticism and resistance. Indeed, the implementation of e-filing itself was subject to criticism and resistance,<sup>53</sup> and now it is lauded as flexible and accessible.<sup>54</sup> We believe the criticism and resistance to a 5:00 p.m. filing deadline is outweighed by the benefits that will be created. The current state of e-filing contributes to a “culture of overwork” for all involved in Delaware litigation practice—staff and attorneys alike. A 5:00 p.m. filing deadline could help to diminish this negative culture for staff and attorneys.

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<sup>52</sup> See Section I.A, *supra*.

<sup>53</sup> See, e.g., Roger Winters, Program and Project Manager, King County Judicial Administration, Washington, *Controversy and Compromise on the Way to Electronic Filing* (“The controversy . . . at times made it seem unlikely there could ever be a basic agreement to allow electronic court filing.”), *available at* <http://ncsc.contentdm.oclc.org/cdm/ref/collection/tech/id/586>.

<sup>54</sup> See n.35, *supra*.

## **II. WHAT THE COURTS HAVE DONE AND CAN DO TO HELP LAWYERS DO THEIR JOBS WITH LESS STRESS**

Of course, changing the filing deadline is just one measure that could improve the quality of lawyers' lives. Courts themselves can and should take important steps that would help lawyers, their staffs, litigants and jurors have a better experience in the courthouse and more quality time outside it.

A good example is a step already taken by our Supreme Court. On June 18, 2015, the Delaware Supreme Court amended its Internal Operating Procedures. The amended Internal Operating Procedures (“Internal Operating Procedures” or “IOP”) state that the Supreme Court will “endeavor[] to issue its decisions at a time of day that does not impose an undue burden on counsel to have to consult with clients after normal business hours, or the hours leading to the weekend. Thus from Monday to Thursday, the Court will endeavor not to issue decisions in non-expedited cases after 4:30 p.m., and on Friday, after 2:00 p.m.”<sup>55</sup> The Supreme Court also is not scheduling arguments in non-expedited cases in July and August to accommodate vacation schedules and to assist with work life balance. The Supreme Court continues to hear expedited cases by argument and a full docket of “on the briefs” cases.

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<sup>55</sup> IOP at 6.

The sensitivity and consideration the courts give to scheduling and to the timeliness of holding hearings has a significant effect on the quality of litigators' lives. In areas such as criminal and family law, many lawyers are required to be in more than one courtroom in one day. If the first judge before whom a lawyer has to appear starts late, she might find herself chastised by the second judge. When trial judges and sister courts cooperate with each other, try to minimize avoidable conflicts and to start and end proceedings in a timely manner, lawyers, witnesses and jurors all benefit.

Likewise, there are weeks when it is common for most people, including lawyers, to wish to spend time with family and friends. Avoiding hearings on the eve or day after important holidays when doing so will not adversely affect the ability of the court to handle its docket is useful to counsel. Recognizing that July and August are months when most families with children must take vacation and being sensitive to that is helpful to counsel. Importantly, we are not recommending invariable hard and fast rules, and we recognize there are expedited proceedings, and certain other crucial matters, such as certain criminal and family law cases, where it is critical to get cases decided.

If judges were sensitive to when filings were scheduled, they could measurably help the lives of young lawyers. Sometimes a senior partner is more than willing to volunteer that he can file "his brief" on Monday. But "his brief" may

often be the product of more junior lawyers and staff doing most of the work. A Tuesday filing might enable them to enjoy some of the weekend. Likewise, before holiday weekends, many junior lawyers would prefer an order that their brief be due at noon on Friday, or even better Thursday, than have an end of day filing on Friday. If judges and more senior lawyers can think about the scheduling matters that affect their own lives, and then consider how that best translates into scheduling and filing practices that help *all* lawyers and staff, we can make everyone's life a bit more manageable.

If, as a rule of thumb, courts can commit themselves to an approach to scheduling that, as a general matter, takes into account key factors relevant to lawyers' personal lives and that recognizes lawyers often have to meet obligations to several judges in the same week, it will tend to reduce stress for everyone in the litigation process, including judges themselves.

### **III. RECOMMENDATIONS AND REFLECTIONS ON THE NEED TO DECIDE**

Based on the foregoing, we recommend the following:

1. The courts should adopt a practice disfavoring non-expedited filings due on Mondays or the day after a holiday.

2. The courts should adopt a practice disfavoring the issuance of non-expedited opinions after 4:00 p.m. as a general matter, and after noon on Fridays.<sup>56</sup>
3. The courts should adopt general practices that every judge shall aspire, when practicable, to ensure in all non-expedited trials, the court will start the trial day on time, have a predictable approach to breaks, and end the trial day no later than 5:00 p.m.
4. The courts should adopt a practice of disfavoring scheduling arguments or trials in August except in cases involving exigent circumstances or where there is an important reason for proceeding at that time.<sup>57</sup>
5. The Court of Chancery should prepare written e-filing requirements and guidelines to address the number of rejections that are received, and these requirements and guidelines should be updated on a routine basis.<sup>58</sup>
6. The courts should consider returning to the practice of attaching non-confidential filings to the e-filing notices, rather than the current practice of having to log in and download the filings.

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<sup>56</sup> The Supreme Court has adopted this practice in its Internal Operating Procedures, and “the internal operating procedures received generally positive reviews. . . .” Joint Study (Supreme Court) at 2. We understand that the Court of Chancery is not issuing opinions at the end of the day on Fridays.

<sup>57</sup> The Supreme Court has already adopted this practice. This practice would also benefit the courts because the law clerks rotate in August.

<sup>58</sup> The Court of Chancery Rules Committee is currently preparing this document.

7. The courts should change the e-filing deadline in non-expedited cases to 5:00 p.m.<sup>59</sup> The 5:00 p.m. filing deadline would not apply to new complaints to account for any statute of limitations issues or to notices of appeal. The courts should encourage litigants to agree to reasonable requests for extension if there are issues with meeting the 5:00 p.m. filing deadline.

\* \* \*

In coming together to present this Report and these recommendations, we are aware that a number of our colleagues at the Bar, and indeed within our own firms, do not support all that we recommend. But, as with most things that matter, consensus rarely exists when action is in fact needed. Rather, what progress requires is that those with the ability to implement changes act based on what the facts suggest is the best course of action to improve our society.

The careful and incremental changes recommended in this Report could change the work life balance calculus in a meaningful way, and benefit our system of justice and society by helping to encourage the finest lawyers to practice in this special state. Implementation of these changes will demonstrate that Delaware's Judiciary recognizes that the quality of justice is improved when lawyers can bring

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<sup>59</sup> An earlier filing deadline of 4:30 p.m. has been discussed, with the goal of having the court clerks review and accept all filings before the close of business. But, this would impose a significant burden on the courts' staff and may not be possible under the circumstances.



to their professional duties the freshness of body, mind, and spirit that a fulfilling personal and family life enable.

We hope our Judiciary will approach this question in the same manner we have. A decision to adhere to an inertial reality generated by happenstance is certainly an option. But by charting a new thoughtful direction based on a careful examination of the facts, we can make this fine State an even more attractive one for the very best lawyers to practice.

# **EXHIBIT A**

**TO THE REPORT TO THE DELAWARE JUDICIARY**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In Re:

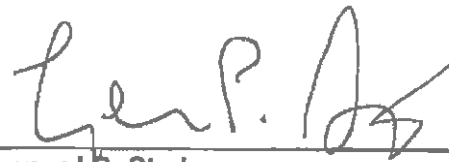
REVISION TO ELECTRONIC CASE )  
FILING POLICIES AND PROCEDURES )

Effective October 16, 2014, section (F) of the Court's Revised Administrative Procedures Governing Filing and Service by Electronic Means shall be further revised as follows, to reflect a new filing and service deadline of 6:00 p.m. Eastern Time for all documents other than initial pleadings:

**(F) Deadlines**

Filing documents electronically does not in any way alter any filing deadlines. Aside from initial pleadings, all electronic transmissions of documents (including, but not limited to, motions, briefs, appendices, and discovery responses) must be completed by 6:00 p.m. Eastern Time, in order to be considered timely filed and served that day. All electronic transmissions of initial pleadings must be completed prior to midnight Eastern Time, in order to be considered timely filed that day. When CM/ECF calculates a deadline, it will include intermediate weekends and holidays as prescribed in Fed.R.Civ. P. 6. CM/ECF will also add 3 calendar days for mailing as prescribed in section (E)(5) of these procedures.

SO ORDERED, for the Court.



Leonard P. Stark  
Chief Judge

Dated: Wilmington, Delaware  
October 2, 2014

# **EXHIBIT B**

**TO THE REPORT TO THE DELAWARE JUDICIARY**

### Wilmington Day Care Centers

Name & Address Address	Phone	Hours	Drop-Off/Pick-Up "Restriction" Policies (i.e., max hours allowed)
Goddard School 111 S. West Street Wilmington, DE	482-8437	7 a.m. - 6 p.m.	No restriction within normal hours
St. Michael's Day School 700 N. Walnut Street Wilmington, DE	656-3389	7 a.m. - 5:30 p.m.	No restriction for "full-pay" clients; Purchase of Care clients limited to 10 hours
Bright Horizons Family 301 N. Walnut Street Wilmington, DE	282-6378	7 a.m. - 6 p.m.	Open only for Chase Bank employees; otherwise no restriction
Wee Care - Salvation Army 401 N. Orange Street Wilmington, DE	472-0712	6:45 a.m. - 5:30 p.m.	No restriction
Little Folks Too Day Care 1320 N. Market Street Wilmington, DE	652-3420	6:30 a.m. - 5:30 p.m.	No restriction
Ribbons & Bows Daycare 1600 Jessup Street Wilmington, DE	428-1830	6:30 a.m. - 5:45 p.m.	No restriction
Wilmington Day School & Nursery 1901 Superfine Lane Wilmington, DE	429-0711	6:30 a.m. - 6 p.m.	No restriction
St. Anthony's Early Learning Ctr. 1701 W. 10 <sup>th</sup> Street Wilmington, DE	421-3721	7 a.m. - 6 p.m.	No restriction
Sunshine Station 1818 Delaware Avenue Wilmington, DE	777-5007	7 a.m. - 6 p.m.	No restriction
Siegel Jewish Family Center 101 Garden of Eden Road Wilmington, DE	478-5660	7:15 a.m.- 5:45 p.m.	No restriction

# **EXHIBIT C**

**TO THE REPORT TO THE DELAWARE JUDICIARY**

## COURT OF CHANCERY

### TIMING OF AFTER-HOURS FILINGS

	Total All-Day	Total After-Hours	% Filed After-Hours	5PM-6PM		6PM-7PM		7PM-9PM		9PM-12AM	
Q1 2014	29810	4202	15%	1490	35%	874	21%	1003	24%	835	20%
Q1 2015	31045	4918	16%	1623	33%	1009	20%	1212	25%	1074	22%
Q1 2016	33114	4830	16%	1799	37%	868	18%	1187	25%	976	20%

**Court of Chancery After Hours Filings by Document Type**

<b>Document Type</b>	<b>2016 – Q1</b>	<b>2015 – Q1</b>	<b>2014 – Q1</b>
Affidavit	205	227	191
Amended Answer	2	2	
Amended Complaint	14	26	17
Amended Counterclaim		1	
Answer	50	42	40
Answer and Counterclaim	10	14	7
Answer and Cross-claim	1	1	
Answer to Counterclaim	2	6	5
Answer to Cross-claim	1		1
Answer to Interrogatories	43	25	43
Answer to Motion			1
Answering Brief	66	61	50
Appendix	22	17	25
Bond			1
Brief	86	120	77
Certificate of Rule 5.1	2	7	1
Certificate of Service	711	704	597
Certification	354	350	10
Certification for Pro Hac Vice	39	50	36
Certified Mail Return	1		
Commission	19	4	19
Compendium	70	88	97
Complaint	19	18	11
Complaint – Compel a Shareholders' Meeting	1		1
Complaint - Inspect Books/Records (8 Del. C. 220)	2	3	5
Complaint with 3 or More Defendants	8	3	2
Complaint-class action or derivative <=10 defendants	10	35	44
Consolidated Amended Complaint		2	2
Counterclaim			2
Cross-claim			1
Declaration	11	18	12
Deposition	5	2	2
Discovery Requests	33	29	20
Election to Transfer		1	



**Court of Chancery After Hours Filings by Document Type**

<b>Document Type</b>	<b>2016 – Q1</b>	<b>2015 – Q1</b>	<b>2014 – Q1</b>
Entry of Appearance	51	71	56
Exception to Master's Final Report \$100	1	2	
Exceptions to Master's Report		1	1
Exhibits	659	641	591
Final Order & Judgment			2
Interlocutory Appeal	3	3	2
Interrogatories	32	36	43
Issuance of Summons	1		4
Joinder	6	6	6
Judicial Action Form		2	3
Letter	294	336	291
Letter Decision	4		
Line & Page Designation			1
Master's Report	2		2
Memorandum	10	11	8
Memorandum Opinion	2	3	3
Motion	115	116	112
Motion for Commission	19	4	18
Motion for Default Judgment	6	5	1
Motion for Pro Hac Vice	40	53	37
Motion for Protective Order	5	5	4
Motion for Sanctions	1	3	
Motion for Summary Judgment	15	9	13
Motion for Temporary Restraining Order	4	5	1
Motion in Limine	8	9	9
Motion to Compel	16	10	16
Motion to Consolidate		11	5
Motion to Dismiss	55	60	47
Motion to Expedite	15	34	23
Motion to File Amended Complaint	3	6	7
Notice	27	22	23
Notice of Appeal to Supreme Court	1		1
Notice of Deposition	47	27	44
Notice of Lodging	17	8	6
Notice of Service	143	111	117

**Court of Chancery After Hours Filings by Document Type**

<b>Document Type</b>	<b>2016 – Q1</b>	<b>2015 – Q1</b>	<b>2014 – Q1</b>
Notice of Service of Answers to Interrogatories	14	8	18
Notice of Service of Interrogatories	10	8	8
Notice of Service of Objections to Discovery	30	10	10
Notice of Service of Other Discovery	4	10	5
Notice of Service of Request for Admissions		2	2
Notice of Service of Request for Production	18	18	15
Notice of Service of Response to Request for Admissions		2	
Notice of Service of Responses to Request for Production	29	29	19
Notice of Service of Standard Request for Production	2		1
Notice of Voluntary Dismissal	3	5	6
Objection	4	3	5
Objections to Discovery	39	9	16
Official Transcript (Addl. Fees Apply)	1	3	22
Opening Brief	73	61	66
Opinion	1	1	3
Opposition	31	37	32
Order	48	68	72
Order – Pro Hac Vice	3	10	5
Other	19	17	9
Petition – Originating Filing	12	12	8
Petition - Originating Filing (Trust)		1	
Petition - Other Than a New Case	4	3	4
Praecipe	8	4	2
Pretrial Brief	20	21	20
Pretrial Order			1
Proposed Order	283	271	271
Proposed Order – Pro Hac Vice	41	52	37
Proposed Order for Default Judgment	4	1	
Public Version	69	109	69
Receiver's Report	12		2

**Court of Chancery After Hours Filings by Document Type**

<b>Document Type</b>	<b>2016 – Q1</b>	<b>2015 – Q1</b>	<b>2014 – Q1</b>
Reply	34	18	26
Reply Brief	83	64	55
Request for Admissions	2	7	6
Request for Judicial Action	1	4	2
Request For Production (First)	30	31	37
Response	22	25	46
Response to Motion in Limine	1	1	3
Response to Motion to Compel	2	1	1
Response to Other Motion	2	4	7
Response to Request for Admissions	11	7	13
Response to Request for Production	75	58	51
Return of Sale	1	1	
Scheduling Order			1
Sheriff's Return			2
So Ordered	1		1
Statement Pursuant to Rule 4(d)(c)	4	8	6
Status Report	29	21	7
Stip. & (Proposed) Order - Substitution of Counsel	5	5	1
Stipulation	9	8	13
Stipulation & (Proposed) Order	115	95	91
Stipulation for Compromise & Settlement	2	5	6
Subpoena	20	22	22
Suggestion of Bankruptcy		1	
Summons	18	30	20
Summons Instructions	38	57	50
Supplemental Information Sheet	54	77	74
Supreme Court Receipt & Return	5	1	1
Third Party Complaint		1	
Trustee Report		1	
Verification to Complaint	89	114	101
Verified List	5	9	10
Withdrawal	1	1	4
Witness and Exhibit List		1	
<b>Totals:</b>	<b>4830</b>	<b>4918</b>	<b>4202</b>

**COURT OF CHANCERY**  
After Hours Filings Sorted by Firm

FIRM NAME	Q1 2016	Q1 2015	Q1 2014
A C L U of Delaware	5	0	0
Abbott Law Firm LLC	15	7	11
Abrams & Bayliss LLP	228	233	190
Allen, Michele D LLC	0	0	3
Andersen Sleater LLC	18	24	37
Andrews & Springer LLC	22	169	22
Archer & Greiner PC	9	7	5
Ashby & Geddes	123	117	80
Atlantic Law Group-Delaware	41	11	0
Avenue Law	0	0	5
Bailey & Glasser LLP	12	8	0
Baird Mandalas Brockstedt, LLC	4	6	5
Ballard Spahr LLP-Wilmington	24	93	6
Barnes & Thornburg LLP-Wilmington	0	0	3
Bartels, Diane J Esq	41	20	11
Bayard PA	60	45	33
Benesch Friedlander Coplan & Aronoff LLP	1	14	1
Berger Harris LLP	67	87	36
Berl & Feinberg LLP	8	2	5
Bern Ripka LLP	2	0	0
Bifferato LLC	0	0	13
Biggs & Battaglia	7	7	36
Blank Rome LLP-Wilmington	26	0	20
Boyer, Jeffrey M LLC	0	0	2
Brady Law Firm PA	5	3	1
Brainard, Shannon Larner	0	8	0
Buchanan Ingersoll & Rooney PC-Wilmington	6	0	4
Campbell, Dean A LLC	1	2	4
Carr Law LLC	1	0	0
Chimicles & Tikellis LLP-Wilmington	14	4	0
Chipman Brown Cicero & Cole LLP	23	44	10
City of Wilmington Law Department	2	0	0
Clark Hill PLC	5	0	0
Cohen Seglias Pallas Greenhall & Furman	2	2	2
Cole Schotz PC	52	9	52
Community Legal Aid Society Inc	9	0	0
Connolly Gallagher	26	18	38
Cooch & Taylor Pa-Wilmington	52	57	48
Cross & Simon LLC-Wilmington	18	7	24
Dawson, Lois J	0	4	0
DE Court of Chancery Civil Action	130	114	175
DE Supreme Court	1	0	5
Deakyne, Jame E. Jr. PA	0	0	1

**COURT OF CHANCERY**  
After Hours Filings Sorted by Firm

FIRM NAME	Q1 2016	Q1 2015	Q1 2014
DeBruin Firm LLC	10	3	0
Delaware Elder Law Center	1	0	0
Department of Justice-Wilmington	11	6	9
Dilworth Paxson LLP	8	15	5
DLA Piper US LLP-Wilmington	65	119	43
Dorsey & Whitney LLP-Delaware	7	8	13
Drane, Harding	0	0	9
Drescher & Associates PA	11	0	0
Drinker Biddle & Reath LLP-Wilmington	26	22	4
Duane Morris LLP-Wilmington	27	8	4
Eckert Seamans Cherin & Mellott LLC	6	36	8
Elliott Greenleaf	1	4	27
Enterline, Paul G PA	3	1	3
Farnan LLP	0	4	0
Faruqi & Faruqi LLP-Wilmington	49	144	2
Ferry Joseph PA	11	4	32
Finger & Slanina LLC-Wilmington	20	17	44
Finocchiaro, David D LLC	1	2	0
Fish & Richardson PC	4	4	21
Flaster Greenberg	0	0	1
Fox Rothschild LLP-Wilmington	91	9	25
Frank, Alan L Law Associates PA	0	0	1
Franta, Richard E	0	2	0
Freedman & Lorry PC	2	0	1
Friedlander & Gorris PA	76	45	8
Garey, John R PA	0	1	0
Garbian Law Offices PC	0	0	2
Gebhardt & Smith LLP-Wilmington	0	0	2
Gellert Scali Busenkell & Brown LLC	35	11	3
Gerry Gray Law	0	3	3
Gibbons PC-Newark	0	4	6
Glancy, Brian P	0	2	0
Goldlust, Perry F PA	0	0	13
Gordon Fournaris & Mammarella PA-Wilmington	2	17	14
Gouge, Donald L Jr LLC	0	0	2
Grant & Eisenhofer PA	54	80	63
Greenberg Traurig LLP-Main Account	2	5	22
Greenhill Law Group LLC	10	4	18
Greto, Albert M	1	0	0
Griffin & Robertson PA	2	0	1
Guy, Samuel L	0	21	0
Hagan, Shauna T LLC	0	0	3
Hatfield, Lisa	0	2	0

**COURT OF CHANCERY**  
After Hours Filings Sorted by Firm

FIRM NAME	Q1 2016	Q1 2015	Q1 2014
Heckler & Frabizzio	11	0	0
Hiller & Arban LLC	8	17	9
Hogan McDaniel	7	6	0
Hudson Jones Jaywork & Fisher-Dover	0	0	2
Jordan Law LLC-Wilmington	1	3	0
Juliano, Margaret E	0	3	0
Kimmel Carter Roman Peltz & O'Neill PA	0	2	0
Klehr Harrison Harvey Branzburg LLP-Wilmington	19	14	22
Kleiner & Kleiner LLC	2	0	0
Kollias Law LLC	0	0	2
Labaton Sucharow LLP-Delaware	20	32	44
Landis Rath & Cobb LLP	20	53	52
Logan & Petrone LLC	12	3	0
Losco & Marconi PA-Wilmington	0	10	1
Macauley LLC	0	4	0
MacElree Harvey LTD-Delaware	6	10	10
Manion Gaynor & Manning LLP	1	0	0
Margolis Edelstein-Wilmington	0	4	2
Marks Oneill Obrien Doherty & Kelly PC-Wilmington	4	0	0
Marshall Dennehey Warner Coleman & Goggin-Wilmington	20	3	6
Martin & Lunger PA	0	7	7
Masten, Robert I Jr LLC	0	0	5
Mattleman Weinroth & Miller PC	15	0	0
Mccabe Welsberg & Conway PC	13	3	1
McCann & Wall LLC	1	0	0
McCarter & English LLP-Wilmington	38	27	20
McDonnell Law Offices	1	0	0
Montgomery McCracken Walker & Rhoads LLP-Wilmington	21	5	0
Moore & Rutt PA	0	5	0
Morgan Lewis & Bockius LLP	0	3	5
Morris James LLP	155	181	112
Morris Nichols Arsht & Tunnell LLP-Wilmington	339	394	355
Morton, Michael P PA	2	0	0
Murphy & Landon-Wilmington	0	0	18
MurrayPhillips PA	0	2	5
New Castle County Law Department	4	0	8
Nordheimer Denise D LLC	10	1	0
Norman, Stephen P	0	0	4
OBrien, Walter J	9	0	0
Offit Kurman PA	1	5	2
OKelly Ernst & Bielli LLC	15	16	124
Osberg, Brenda	0	6	0
Pachulski Stang Ziehl & Jones LLP	4	0	0

**COURT OF CHANCERY**  
After Hours Filings Sorted by Firm

FIRM NAME	Q1 2016	Q1 2015	Q1 2014
Palmer Biezup & Henderson LLP	0	0	7
Parkowski Guerke & Swayze PA	18	2	11
Parkway Law	0	0	3
Paul Weiss Rifkind Wharton & Garrison LLP-Wilmington	23	35	30
Pepper Hamilton LLP-Wilmington	37	21	17
Perkins, Scott	0	0	1
Phillips Goldman McLaughlin & Hall PA	0	0	4
Pinckney Weidinger Urban & Joyce LLC	45	65	14
Polsineill PC - Delaware	44	5	8
Potter Anderson & Corroon LLP-Wilmington	386	491	238
Prickett Jones & Elliott	128	63	88
Proctor Heyman Enerio LLP	108	50	67
Reed Smith LLP-Wilmington	22	18	7
Reger Rizzo & Darnall LLP-Wilmington	0	5	5
Rhodunda & Williams LLC	0	4	19
Richards Layton & Finger PA-Wilmington	661	521	555
Rigrodsky & Long PA	81	307	204
Rosenthal Monhait & Goddess PA	27	26	53
Rosner Law Group LLC	0	1	0
Ross Aronstam & Moritz LLP	205	78	65
Sattesahn, Keith R	0	1	0
Saul Ewing LLP	5	13	15
Scanlon, Patrick PA	0	3	0
Schab & Barnett PA	14	0	0
Schmittinger & Rodriguez PA-Dover	1	1	2
Schnader Harrison-Wilmington	0	5	0
Schwartz & Schwartz PA	28	2	0
Seltz Ross	0	25	51
Seltz Van Ogtrop & Green PA	2	9	0
Sergovic Carmean Weidman McCartney & Owens PA	0	0	10
Seubert, Suzanne I PA	2	4	0
Shaw Keller LLP	3	9	0
Shlansky Law Group LLP	0	1	3
Sidley Austin LLP	10	0	0
Silverman McDonald & Friedman	1	0	0
Skadden Arps Slate Meagher & Flom LLP-Wilmington	77	120	134
Smith Firm LLC	5	2	0
Smith Katzenstein & Jenkins LLP	80	52	28
Snyder & Associates PA	0	2	0
Snyderman Law Firm PA	0	4	0
Spritz, Gary R	2	0	0
Stamoulis & Weinblatt LLC	11	3	0
Stradley Ronon Stevens & Young	36	1	5

**COURT OF CHANCERY**  
After Hours Filings Sorted by Firm

<b>FIRM NAME</b>	<b>Q1 2016</b>	<b>Q1 2015</b>	<b>Q1 2014</b>
Sullivan Hazeltine Allinson LLC	8	6	22
Tarburton, John E Esq PA	0	3	0
Tunnell & Raysor PA	8	0	0
Tybout Redfearn & Pell	0	0	13
Valhura, Robert J Jr	2	0	7
Venable LLP	6	0	11
Weir & Partners LLP	0	14	13
Wentz, Lawrence Lee	4	0	8
Werb & Sullivan	1	8	2
Werrett, A Jacob	0	0	2
White & Williams LLP-Wilmington	8	7	0
Whiteford Taylor & Preston LLP	3	0	7
Wilgus, William B	0	0	2
Wilks Lukoff & Bracegirdle LLC	29	18	29
Williams & Crosse	0	0	2
Williams Law Firm PA	21	41	7
Williford Firm LLC	4	35	35
Wilson Sonsini Goodrich & Rosati	69	35	0
Womble Carlyle Sandridge & Rice LLP-Wilmington	6	0	5
Work, John V	2	0	0
Young Conaway Stargatt & Taylor LLP-Wilmington	238	257	269
Zarwin Baum DeVito Kaplan	4	0	0
<b>TOTAL</b>	<b>4830</b>	<b>4918</b>	<b>4202</b>



# **EXHIBIT D**

**TO THE REPORT TO THE DELAWARE JUDICIARY**

Superior Court of Delaware  
Timing of After-Hours Filings in Superior Court

**Table 1: All Statewide Filings (Civil, Mass Tort and Asbestos)**

	Total All-Day	Total After-Hours	% Filed After-Hours	5PM-6PM		6PM-7PM		7PM-9PM		9PM-12AM	
Q1 2014	42307	6486	15%	3565	55%	1329	21%	987	15%	605	9%
Q1 2015	31628	4425	14%	2490	56%	626	14%	773	18%	536	12%
Q1 2016	30455	4220	14%	2240	53%	752	18%	723	17%	505	12%

**Table 2: Civil Filings (all counties)**

	Total All-Day	Total After-Hours	% Filed After-Hours	5PM-6PM		6PM-7PM		7PM-9PM		9PM-12AM	
Q1 2014	23666	3318	14%	1828	55%	612	18%	498	15%	380	12%
Q1 2015	24822	3434	14%	1965	57%	522	15%	564	17%	383	11%
Q1 2016	24488	3395	14%	1874	55%	650	19%	494	15%	377	11%

**Table 3: Asbestos Filings (NCC only)**

	Total All-Day	Total After-Hours	% Filed After-Hours	5PM-6PM		6PM-7PM		7PM-9PM		9PM-12AM	
Q1 2014	18285	3079	17%	1701	55%	698	23%	455	15%	225	7%
Q1 2015	6511	987	15%	523	53%	104	11%	209	21%	151	15%
Q1 2016	5131	656	13%	320	49%	81	12%	167	26%	88	13%

**Table 4: Mass Tort Filings (NCC only)**

	Total All-Day	Total After-Hours	% Filed After-Hours	5PM-6PM		6PM-7PM		7PM-9PM		9PM-12AM	
Q1 2014	356	89	25%	36	41%	19	21%	34	38%	0	0
Q1 2015	295	4	1%	2	50%	0	0	0	0	2	50%
Q1 2016	836	169	20%	46	27%	21	12%	62	37%	40	24%

Superior Court of Delaware  
Timing of After-Hours Filings in Superior Court

**After-Hours Filings by County:**

**Table 5: New Castle County All Filings (includes Civil, Mass Tort and Asbestos)**

	Total All-Day	Total After-Hours	% Filed After-Hours	5PM-6PM		6PM-7PM		7PM-9PM		9PM-12AM	
Q1 2014	37255	5949	16%	3218	54%	1250	21%	941	16%	540	9%
Q1 2015	26915	3961	15%	2183	55%	568	14%	711	18%	499	13%
Q1 2016	25965	3747	14%	1959	52%	655	18%	665	18%	468	12%

**Table 6: Kent County (civil-only\*)**

	Total All-Day	Total After-Hours	% Filed After-Hours	5PM-6PM		6PM-7PM		7PM-9PM		9PM-12AM	
Q1 2014	2766	331	12%	201	61%	62	19%	23	7%	45	13%
Q1 2015	2519	269	11%	183	68%	29	11%	34	13%	23	8%
Q1 2016	2310	264	11%	174	66%	44	16%	23	9%	23	9%

**Table 7: Sussex County (civil-only\*)**

	Total All-Day	Total After-Hours	% Filed After-Hours	5PM-6PM		6PM-7PM		7PM-9PM		9PM-12AM	
Q1 2014	2286	206	9%	146	71%	17	8%	23	11%	20	10%
Q1 2015	2194	195	9%	124	64%	29	15%	28	14%	14	7%
Q1 2016	2180	209	10%	107	51%	53	25%	35	17%	14	7%

**\*Kent and Sussex County do not have Mass Tort or Asbestos Filings.**

**After-Hours Civil Filings by Type  
(All Counties)**

<b>TYPE OF FILING</b>	<b>Q1 2016</b>	<b>Q1 2015</b>	<b>Q1 2014</b>
Certificate of Service	508	508	481
Exhibits	347	297	341
Proposed Order	273	232	256
Notice	216	211	258
Letter	142	164	160
Case Information Statement	122	125	122
Notice of Service	114	100	98
Discovery	112	108	85
Praecipe	94	101	89
Summons	91	100	89
Notice of Deposition	81	58	73
Complaint	78	89	80
Motion	74	84	69
Affidavit	63	72	56
Order	62	78	37
Motion in Limine	56	22	36
Response	47	55	46
Form 30 Interrogatories	43	44	27
Answer to Form 30 Interrogatories	42	53	45
Rule 3H Statement	39	54	41
Notice of Hearing	37	22	26
Stipulation & Order	33	28	24
Answer	32	23	24
Writ(s) Issued	32	53	15
Entry of Appearance	29	31	48
Opening Brief	26	37	14
Answer to Interrogatories	24	21	20
Request For Production (First)	21	20	19
Motion to Compel	20	15	19
Answering Brief	18	14	9
Response to Motion in Limine	18	12	26
Motion for Summary Judgment	17	11	17
Renotice of Deposition	17	9	14
Reply Brief	16	16	15
Subpoena - Proof of Service	16	2	10
Amended Complaint	15	11	5
Certification	15	22	21
Delaware Rule 77 (h)	15	5	15
Compendium	14	25	22
Notice of Service of Interrogatories	14	19	15
Re-Notice	14	15	15
Notice of Service of Answers to Interrogatories	13	20	16

**After-Hours Civil Filings by Type  
(All Counties)**

<b>TYPE OF FILING</b>	<b>Q1 2016</b>	<b>Q1 2015</b>	<b>Q1 2014</b>
Redacted Version	13	5	2
Sheriffs Return	12	5	5
Judgment - Attachment FIFA	11	1	0
Notice of Service of Response to Request for Produ	11	9	11
Response to Motion for Summary Judgment	11	2	7
Verification	11	9	4
Alias Summons	10	9	8
Alias Praecipe	9	11	8
Letter for Judicial Review	9	0	0
Motion for Pro Hac Vice	9	12	14
Motion to Dismiss	9	24	17
Notice of Service of Request for Production	9	17	11
Scheduling Order	9	53	14
Affidavit of Service	8	8	9
Appendix	8	9	5
Stipulation of Dismissal Judge Signature Required	8	6	1
Email	7	5	11
Order Signed - Case Closed	7	4	0
Pretrial Stipulation	7	6	16
Proposed Order - Pro Hac Vice	7	11	14
Substitution of Counsel	7	14	2
Answer to Crossclaim	6	3	0
Response to Motion to Compel	6	21	8
Motion for Default Judgment - 55(b)(2)	5	1	5
Notice of Service of Response	5	6	2
Stipulation	5	8	13
Voluntary Dismissal	5	5	3
Answer and Counterclaim	4	3	5
Answer and Crossclaim	4	3	5
Answer to Amended Complaint	4	6	3
Jury instructions	4	2	10
Official Transcript (Addl Fees Apply)	4	1	7
Response to Motion to Dismiss	4	4	5
Stipulation of Dismissal	4	8	10
Letter - 41e Notice	3	5	0
Motion for Guardian Ad Litem	3	1	0
Motion to Amend	3	0	4
Motion to Amend Complaint	3	2	1
Petition for Approval of a Minor Settlement	3	3	4
Request for Admissions	3	5	7
Status Report	3	2	3
Subpoena	3	5	3

**After-Hours Civil Filings by Type  
(All Counties)**

<b>TYPE OF FILING</b>	<b>Q1 2016</b>	<b>Q1 2015</b>	<b>Q1 2014</b>
Amended Answer	2	0	2
Answer to Counterclaim	2	7	2
Application for Cert of Interlocutory Appeal	2	0	2
Brief Schedule	2	0	0
Commission	2	2	4
Direction-Enter Default Judgment 55(b)(1)-FULL	2	2	3
Direction-Enter Default Judgment 55(b)(1)-PARTIAL	2	2	1
Letter - Confirmation of Dismissal	2	5	9
Motion for Issuance of Commission	2	0	3
Motion for Review of Affidavit of Merit	2	0	0
Notice of Joinder	2	15	2
Notice of Service of Response to Request for Admis	2	3	1
So Noted	2	0	0
Supplemental Brief	2	4	4
Trial Worksheet	2	0	3
3rd Party Complaint	1	2	1
Amendment to the Complaint	1	4	8
Answer & 3rd Party Complaint	1	0	2
Certificate of Value	1	0	0
Exemplified Copy Request	1	0	1
Letter - 120 Day Letter	1	0	0
Letter - Status Request	1	4	1
Letter - Trial Fee Due	1	0	5
Levari Facias	1	2	0
Mediators Report	1	1	0
Memorandum	1	1	8
Memorandum of Law	1	0	2
Motion for New Trial	1	1	0
Motion to Amend Answer	1	0	1
Motion to Consolidate	1	2	2
Opinion	1	1	1
Order - Court Dismissal	1	0	6
Order - Pro Hac Vice	1	5	5
Partial Dismissal	1	0	0
Partial Dismissal - Judges signature required	1	0	4
Partial Stipulation of Dismissal	1	2	1
Petition	1	2	0
Petition for Appointment of Next Friend	1	7	5
Proof of Mailing - Rule 69 (g)	1	1	0
Request for Continuance of Trial	1	0	0
Response to Motion for Default Judgment	1	0	1
Service List	1	0	0

**After-Hours Civil Filings by Type  
(All Counties)**

<b>TYPE OF FILING</b>	<b>Q1 2016</b>	<b>Q1 2015</b>	<b>Q1 2014</b>
Testatum FIFA	1	0	0
Witness and Exhibit List	1	0	0
1st Pluries Praecipe	0	3	0
1st Pluries Summons	0	3	0
ADR - Schedule Letter	0	0	2
ADR - Stipulation Appointing Arbitrator	0	0	1
Affidavit - Loss Mitigation	0	1	0
Amended Counterclaim	0	1	0
Certificate of Deposit	0	0	4
Complaint on Appeal	0	0	2
Interim Status Report	0	2	3
Judicial Action Form	0	16	18
Letter - Binding Arbitration	0	2	3
Mark to the Use of	0	1	0
Masters Report	0	1	1
Memorandum Opinion	0	1	0
Motion for Costs	0	0	3
Motion for Rule to Show Cause	0	0	1
Motion for Sanctions	0	1	0
Motion for Special Process Server	0	5	6
Notice of Adoption	0	1	0
Notice of Service of Request for Admissions	0	1	3
Notice to Lien Holders	0	1	0
Offer of Judgment	0	1	2
Proof of Mailing - Rule 4 (f)(4)	0	0	1
Re-Notice of Motion	0	1	0
Request for IME	0	7	8
Response to Motion for Commission	0	0	1
Response to Motion for Protective Order	0	1	1
Response to Motion for Sanctions	0	3	0
Satisfaction of Judgment (POA)	0	0	4
Stipulated Judgment	0	1	0
Stipulation & Order for Dismissal	0	3	2
Stipulation of Dismissal Civil Rule 41(a)(1)	0	1	2
Vacation of Deposition	0	0	1
VEND EXP	0	1	0
Verdict Form	0	0	4
<b>TOTAL</b>	<b>3395</b>	<b>3434</b>	<b>3318</b>