

ADMINISTRATIVE DIRECTIVE NO. 94

This 1st day of February 1994,

IT APPEARS TO THE COURT:

(1) In furtherance of the duties required of the Chief Justice by Del. Const. art. IV, § 13, there should be a new administrative directive clarifying and expanding the reporting requirements of all members of the Delaware Judiciary regarding cases under advisement.

(2) The Chief Justice should have a continuing record of the status of each matter being held under advisement for decision by (a) each Justice of the Supreme Court and each Judge of the Court of Chancery, the Superior Court, and the Family Court for more than 90 days; and (b) each Judge of the Court of Common Pleas, the Municipal Court, and the Justice of the Peace Courts for more than 30 days.

(3) The prior administrative directive on this subject should be superseded.

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the Justices of the Supreme Court (Del. Const. art. IV, § 13), that:

A. Each Justice shall furnish to the Chief Justice, on the tenth day of each month, a detailed report of each matter being held under advisement by each such Justice for more than 90 days as of the last business day of the previous month;

B. The Chancellor of the Court of Chancery, the President Judge of the Superior Court, and the Chief Judge of the Family Court shall furnish to the Chief Justice on the tenth day of each month, a detailed report of each matter being held under advisement for more than 90 days as of the last business day of the previous month by each Judge of their respective courts;

C. The Chief Judges of the Court of Common Pleas and the Municipal Court, and the Chief Magistrate of the Justice of the Peace Courts shall furnish to the Chief Justice on the tenth day of each month a detailed report for each matter held under advisement for more than 30 days as of the last business day of the previous month by each Judge of their respective courts; and

D. Each report shall include the following information:

1. Name of the Court;
2. Whether the report is for matters under advisement for 30 days or 90 days ;
3. Date the report is submitted;
4. Inclusive dates of the report;
5. Name of the Justice or Judge;

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6. Case name and number;

7. Date the case was submitted for decision;

8. Reason for delay; and

9. A plan for the issuance of the decision, which plan shall be by the presiding judge of the court involved.

E. For purposes of this Administrative Directive, the following shall apply:

1. "Matters under advisement" is defined as any motion, sentencing, or other proceeding, including oral arguments and cases submitted for decision on the briefs or other papers in which all required actions have been completed by the parties, and the parties await a judicial decision.

2. "Reason for delay" should be specific. A response of lack of office time or its equivalent, standing alone, is not sufficient.

3. "Plan" shall include a proposal for issuance of the decision with a target date on which the judge reasonably expects the opinion to be issued. In the case of the Supreme Court, the Court of Chancery, the Superior Court, and the Family Court, such date should not be in excess of an additional 45 days without providing good cause and the approval thereof by the presiding judge of the court involved. In the case of all other courts, the time period in the preceding sentence shall be 15 days.

F. This Administrative Directive shall become effective on March 1, 1994, and shall pertain to all matters held under advisement on and after February 28, 1994.

G. Administrative Directive Number Thirteen as promulgated on December 31, 1974, revised on March 3, 1975, March 16, 1981, and November 6, 1987, with a correction on November 12, 1987, is superseded by this Directive.

E. Norman Veasey
CHIEF JUSTICE

cc: The Honorable Henry R. Horsey
The Honorable Andrew G.T. Moore, II
The Honorable Joseph T. Walsh
The Honorable Randy J. Holland
Members of the Judicial Conference
Mr. Lowell L. Groundland
Court Administrators
Clerk of the Supreme Court
Mr. Stephen D. Taylor