

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE THE JURISDICTION §
IMPROVEMENT COMMITTEE §

ORDER

This 7th day of November, 2017, IT APPEARS THAT:

WHEREAS, as is the case in all states, the Judiciary's expert and efficient resolution of disputes is vital to ensuring that our state does its best to live up to the promise of our nation's creed, by giving life to the concept of a nation governed by laws that respects the rights of all its people;

WHEREAS, the Delaware Judiciary has a special importance to the people of Delaware, as its ability and willingness to resolve business disputes fairly and with the speed that the business world demands is central to Delaware's leading industry, the formation of business entities and the legal services that meet the needs of those entities and their constituencies;

WHEREAS, for the Delaware Judiciary to meet the demands the State of Delaware and its citizens have for the expert and timely resolution of their diverse disputes, it must engage in efforts at continuous reflection on its operations and policies, with an eye toward becoming more efficient and productive, by learning from the best practices of other court systems and the private sector and taking advantage of improvements in technology;

WHEREAS, one of the best ways to ensure that an organization remains effective is for the organization to be open to positive change and to candid and constructive feedback from those it serves;

WHEREAS, in that spirit, the Delaware Judiciary commissioned the Delaware Chapter of the American College of Trial Lawyers and the Delaware State Bar Association to conduct a comprehensive examination of the Judiciary;

WHEREAS, the ACTL and DSBA cooperated to bring together many of the State's most distinguished lawyers in all the various legal disciplines necessary to conduct the study in a professional and practical manner, surfacing important issues and possible solutions that can make Delaware's Judiciary even more effective;

WHEREAS, the ACTL and DSBA were aided in their efforts by the professional staff of the Administrative Office of the Courts, who in turn leveraged their relationships with leading national experts to guarantee that the ACTL and DSBA had access to the best advice from the National Center for State Courts;

WHEREAS, in the tradition of our Bar, senior members of the profession were aided by some of the most promising young lawyers, who spent thousands of hours helping the leaders of the study in compiling their findings and recommendations;

WHEREAS, to balance the need for in-depth input and giving all members of the bar and public a fair opportunity to provide input, the ACTL/DSBA conducted face-to-face, confidential interviews with more than 100 key interviewees from the bench, bar, and other key court constituencies, and also made available an online survey that was open for members of the public to complete, and which was answered by more than 1,300 Delawareans and others who depend on our courts;

WHEREAS, after receiving this input, the ACTL/DSBA issued its formal report in May 2016;

WHEREAS, this was the first comprehensive review of the Delaware Judiciary since the report issued by the Commission on Delaware Courts 2000, which, despite its name, finished its work in 1994;

WHEREAS, among the most important recommendations of the ACTL/DSBA Study were certain recommendations centered on jurisdictional issues with a view towards avoiding unnecessary overlap, assignment of cases to the trial court best positioned to address them cost-effectively and expertly, and ensuring that the scarce resources of litigants and the State itself are used prudently;

WHEREAS, among the important areas identified by the ACTL/DSBA as worthy of consideration include the possible centralization of all non-felony DUI

cases in the Justice of the Peace Court and the Court of Common Pleas and shifting the Truancy Court to the Family Court so that the needs of litigants in that court can best be served in an efficient and coordinated way, given that many of the litigants in that court have other pending matters in the Family Court;

WHEREAS, the ACTL/DSBA also focused on the realities of inflation and the need for the costs of litigating a case to be rationally proportionate to what is at stake and proposed that consideration be given to increasing the jurisdiction of the Justice of the Peace Court and the Court of Common Pleas to better strike that important balance;

WHEREAS, in the area of administrative law, statutes exist that allocate jurisdiction to more than one court simultaneously and that are unclear about which court has jurisdiction over administrative appeals;

WHEREAS, it is vital that jurisdictional changes be considered with the input of the affected trial courts; and

WHEREAS, to that end, it is advisable to form a group of committed members of the ACTL and DSBA to act on the recommendation of the Study by developing a specific set of recommendations regarding the jurisdiction of the Delaware courts, but with the full participation and input of each of the trial courts;

NOW, THEREFORE, IT IS ORDERED THIS 7th day of November, 2017,

that:

1. The Jurisdiction Improvement Committee shall be established, with two subcommittees, a subcommittee on civil jurisdiction and a subcommittee on criminal jurisdiction.
2. The Committee shall consider constructive ideas concerning the jurisdiction of the Delaware courts to improve the expert, timely, and efficient resolution of disputes for the people of Delaware. The Committee shall give priority to, but not be restricted to, ideas surfaced in the ACTL/DSBA Study. Attached as an exhibit to this Order is a list of these ideas broken down into civil and criminal recommendations.
3. The Committee shall coordinate with the Chief Justice, the Presiding Judges, and the Administrative Office of the Courts, in conducting targeted case load studies to aid the overall work of the Committee.
4. The Committee shall be comprised of the following members, with the only voting members of the Committee being those who are not members of the Judiciary itself:

Co-Chairs:

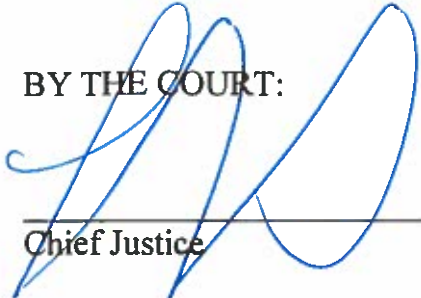
David C. McBride, Esquire
Peggy L. Ableman, Esquire

Committee Members:

Shakuntla L. Bhaya, Esquire
Rolin P. Bissell, Esquire
Craig T. Eliassen, Esquire
David J. Ferry, Jr., Esquire
Kurt M. Heyman, Esquire
Michael W. Modica, Esquire
Vincent G. Robertson, Esquire
Karen V. Sullivan, Esquire
Seth L. Thompson, Esquire
David A. White, Esquire
Patricia A. Winston, Esquire
Natalie Wolf, Esquire

In addition, each Presiding Judge of a trial court may designate a member to sit on the Committee and that member may, but need not be, a judge of that trial court.

5. The Administrative Office of the Courts and the staff of the various courts shall provide support and advice, when called upon.
6. The Committee shall report on its preliminary progress on or before March 15, 2018, with specific recommendations for administrative action or legislative consideration.
7. The final report of the Committee shall be due on or before December 15, 2018.

BY THE COURT:


Chief Justice

Exhibit

Civil Recommendations

- Transfer of adult guardianship cases from the Court of Chancery to the Family Court
- Transfer of truancy proceedings from the Justice of the Peace Court to the Family Court
- Transfer of minor name changes from the Court of Common Pleas to the Family Court
- Addition of jury trials to the Court of Common Pleas
- Increase of monetary threshold in the Court of Common Pleas and the Justice of the Peace Court

Criminal Recommendations

- Coordination of all non-felony DUI cases in the Court of Common Pleas and the Justice of the Peace Court
- Centralization of all misdemeanors or misdemeanor drug charges in the Court of Common Pleas

Administrative Law Recommendations

- Try to assign responsibility for appeals and related cases under specific statutes to a single court
- Clarify which court has jurisdiction when now unclear