



SUPREME COURT
State of Delaware

2010 Annual Report Statistical Information



SUPREME COURT

LEGAL AUTHORIZATION

The Supreme Court is created by the Constitution of Delaware, Article IV, Section 1. The Supreme Court sits in Dover but the justices maintain their chambers in the counties where they reside.

COURT HISTORY

The modern Supreme Court was established in 1951 by constitutional amendment. The State's first separate Supreme Court initially consisted of three justices and was enlarged to the current five justices in 1978.

Prior to 1951, Delaware was without a separate Supreme Court. The highest appellate authority prior to the creation of a separate Supreme Court consisted of those judges who did not participate in the original litigation in the lower courts.

These judges would hear the appeal *en Banc* (collectively) and would exercise final jurisdiction in all matters in both law and equity.

JURISDICTION

The Supreme Court has final appellate jurisdiction in criminal cases in which the sentence exceeds certain minimums and in civil cases as to final judgments and for certain other orders of the Court of Chancery, the Superior Court, and the Family Court. Appeals are heard on the record. Under some circumstances, the Supreme Court has jurisdiction to issue writs of prohibition, *quo warranto*, *certiorari*, and *mandamus*.

JUSTICES

The Supreme Court consists of a chief justice and four justices who are nominated by the Governor and confirmed by the Senate. The justices are appointed for 12-year terms and must be learned in the law and citizens of the State. The Supreme Court may have no more than a majority of one justice from any political party.

ADMINISTRATION

The Chief Justice is responsible for the administration of all courts in the State and appoints the State Court Administrator to manage the non-judicial aspects of court administration. The Supreme Court is staffed by a court administrator, clerk of the court, staff attorneys, an assistant clerk, law clerks, legal assistants, an administrative secretary, and court clerks.



Supreme Court Justices

Front Row (sitting left to right)

Justice Randy J. Holland
Chief Justice Myron T. Steele
Justice Carolyn Berger

Back Row (standing left to right)

Justice Henry duPont Ridgely
Justice Jack B. Jacobs

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Caseload Comparison - Fiscal Years 2009-2010 - Filings				
	2009	2010	Change	% Change
Criminal Appeals	382	410	28	7.3%
Civil Appeals	263	304	41	15.6%
Certifications	2	2	0	0.0%
Original Applications	24	39	15	62.5%
Bd. on Prof. Resp.	12	12	0	0.0%
Bd. of Bar Exam.	1	0	-	-
Un. Prac. Law	0	1	-	-
Advisory Opinions	1	1	0	0.0%
Other	0	1	-	-
Total	685	770	85	12.4%

Caseload Comparison - Fiscal Years 2009-2010 - Dispositions				
	2009	2010	Change	% Change
Criminal Appeals	387	401	14	3.6%
Civil Appeals	271	273	2	0.7%
Certifications	3	2	-1	-33.3%
Original Applications	32	34	2	6.3%
Bd. on Prof. Resp.	11	11	0	0.0%
Bd. of Bar Exam.	0	1	-	-
Un. Prac. Law	0	1	-	-
Advisory Opinions	1	0	-	-
Other	0	1	-	-
Total	705	724	19	2.7%

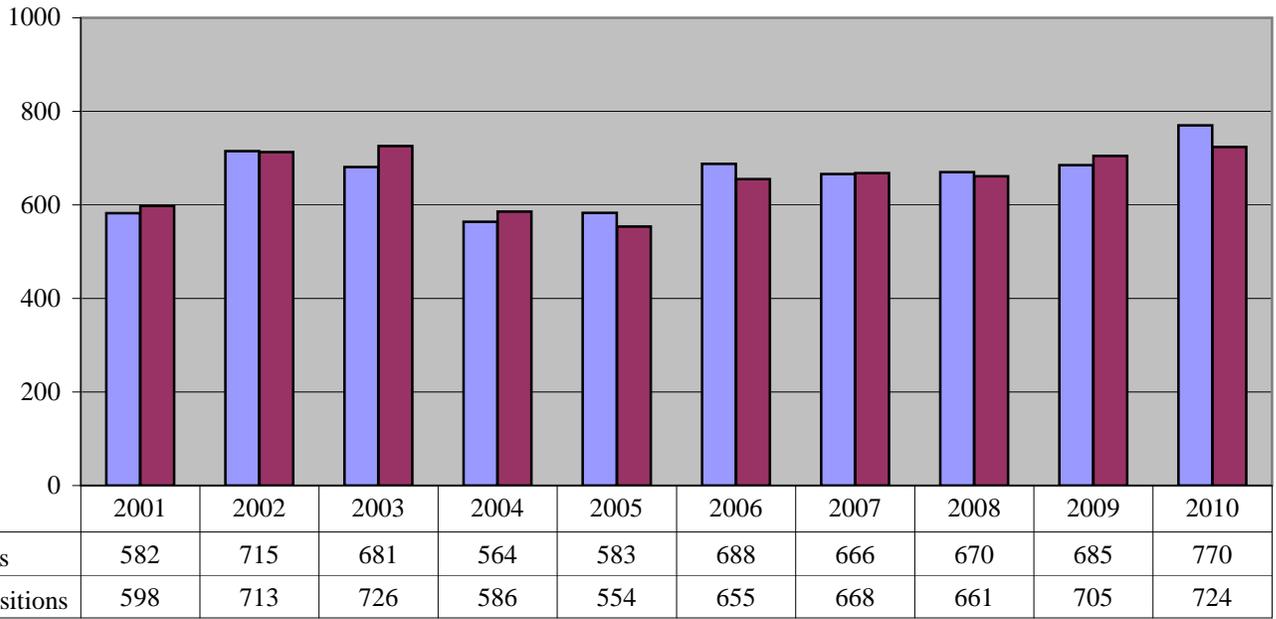
Bd. on Prof. Resp. = Board on Professional Responsibility

Bd. of Bar Exam. = Board of Bar Examiners

Un. Prac. Law = Board on the Unauthorized Practice of Law

Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

Supreme Court 10 Year Total Caseload Trend



Fiscal Year

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Caseload Breakdowns Fiscal Year 2010 - Filings

	Court of Chancery		Superior Court		Family Court		Non-Court Originated		Total	
Criminal Appeals	-		410	100.0%	-		-		410	100%
Civil Appeals	78	25.7%	156	51.3%	70	23.0%	-		304	100%
Original Applications*	-		-		-		56	100.0%	56	100%
Total	78	10.1%	566	73.5%	70	9.1%	56	7.3%	770	100%

Caseload Breakdowns Fiscal Year 2010 - Dispositions

	Court of Chancery		Superior Court		Family Court		Non-Court Originated		Total	
Criminal Appeals	-		401	100.0%	-		-		401	100%
Civil Appeals	70	25.6%	140	51.3%	63	23.1%	-		273	100%
Original Applications*	-		-		-		50	100.0%	50	100%
Total	70	9.7%	541	74.7%	63	8.7%	50	6.9%	724	100%

*Original Applications include Certifications, Bd. On Prof. Resp., Bd. Of Bar Exam., Un. Prac. Law, Advisory Opinions, and Other.

Bd. on Prof. Resp. = Board on Professional Responsibility

Bd. of Bar Exam. = Board of Bar Examiners

Un. Prac. Law = Unauthorized Practice of Law

Source: Court Administrator and Clerk of the Supreme Court; Administrative Office of the Courts

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Types of Dispositions Fiscal Year 2010 - Appeals																		
	Affirmed		Affirmed Part/ Reversed Part		Reversed		Remanded		Voluntary Dismissal		Court Dismissal		Leave to Appeal Denied		Other*		Total	
Criminal Appeals	262	65.3%	5	1.2%	17	4.2%	20	5.0%	43	10.7%	54	13.5%	0	0.0%	0	0.0%	401	100.0%
Civil Appeals	136	42.1%	8	2.5%	13	4.0%	0	0.0%	47	14.6%	79	24.5%	24	7.4%	16	5.0%	323	100.0%
Total	398	55.0%	13	1.8%	30	4.1%	20	2.8%	90	12.4%	133	18.4%	24	3.3%	16	2.2%	724	100.0%

Methods of Dispositions Fiscal Year 2010																	
	Assigned Opinion		Per Curiam Opinion		Written Order		Voluntary Dismissal		Other*		Total						
Criminal Appeals	49	12.2%	0		309	77.1%	43	10.7%	0		401	100%					
Civil Appeals	48	17.6%	0		179	65.6%	46	16.8%	0		273	100%					
Certifications	2	100.0%	0		0		0		0		2	100%					
Original Applications	0		0		34	100.0%	0		0		34	100%					
Bd. on Prof. Resp.	1	9.1%	1	9.1%	8	72.7%	1	9.1%	0		11	100%					
Bd. of Bar Exam.	0		0		1	100.0%	0		0		1	100%					
Un. Prac. Law	0		0		1	100.0%	0		0		1	100%					
Advisory Opinions	0		0		0		0		0		0						
Other	0		0		1	100.0%	0		0		1	100%					
Total	100	13.8%	1	0.1%	533	73.6%	90	12.4%	0	0.0%	724	100%					

* Includes any types or methods of dispositions not further broken down in these categories.

Bd. on Prof. Resp. = Board on Professional Responsibility

Bd. of Bar Exam. = Board of Bar Examiners

Un. Prac. Law = Unauthorized Practice of Law

Source: Court Administrator and Clerk of the Supreme Clerk; Administrative Office of the Courts

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Performance Summary Fiscal Year 2010 - Average Elapsed Time to Disposition			
	Number of Dispositions	Average Time From Filing to Disposition	Average Time From Submission to Disposition*
Criminal Appeals	401	169.5 days	35.9 days
Civil Appeals	273	152.4 days	28.4 days
Certifications	2	197.0 days	37.5 days
Original Applications	34	39.9 days	21.4 days
BPR&BBE	12	41.3 days	25.7 days
Un. Prac. Law	1	77.0 days	54.0 days
Advisory Opinions	0	-	-
Other	1	5.0 days	5.0 days
Total	724	153.0 days	32.3 days

Caseload Comparison - Fiscal Years 2009-2010 - Average Time From Filing to Disposition				
	2009	2010	Change	% Change
Criminal Appeals	185.9 days	169.5 days	-16.4 days	-8.8%
Civil Appeals	194.5 days	152.4 days	-42.1 days	-21.7%
Certifications	31.3 days	197.0 days	165.7 days	528.7%
Original Applications	78.0 days	39.9 days	-38.1 days	-48.9%
BPR&BBE	71.5 days	41.3 days	-30.2 days	-42.2%
Un. Prac. Law	-	77.0 days	-	-
Advisory Opinions	71.0 days	-	-	-
Other	-	5.0 days	-	-
Total	181.2 days	153.0 days	-28.1 days	-15.5%

*Average time from date submitted for judicial decision to actual date of disposition. The time for a case that is submitted and disposed in the same day is zero. Not all Supreme Court cases require a judicial decision.

BPR&BBE = Board on Professional Responsibility and Board of Bar Examiners

Un. Prac. Law = Unauthorized Practice of Law

Source: Court Administrator and Clerk of the Supreme Court; Administrative Office of the Courts

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Performance Breakdowns Fiscal Year 2010 - Elapsed Time by Disposition Type			
Type of Disposition	Number of Dispositions	Average Time From Filing to Disposition	Average Time From Submission to Disposition*
Affirmed	398	200.8 days	43.8 days
Affirmed Part/Reversed Part	13	261.8 days	64.5 days
Reversed	30	309.5 days	59.8 days
Remanded	20	104.3 days	19.0 days
Voluntary Dismissal	90	60.7 days	0.0 days
Court Dismissal	133	69.3 days	17.2 days
Leave to Appeal Denied	24	10.4 days	6.9 days
Other	16	72.4 days	33.1 days
Total	724	153.0 days	32.3 days

Performance Breakdowns Fiscal Year 2010 - Elapsed Time by Disposition Method			
Method of Disposition	Number of Dispositions	Average Time From Filing to Disposition	Average Time From Submission to Disposition*
Assigned Opinion	100	279.7 days	49.3 days
Per Curiam Opinion	1	50.0 days	31.0 days
Written Order	533	145.0 days	34.6 days
Voluntary Dismissal	90	60.7 days	0.00 days
Other	0	-	-
Total	724	153.0 days	32.3 days

*Average time from date submitted for judicial decision to actual date of disposition. The time for a case that is submitted and disposed in the same day is zero. Not all Supreme Court cases require a judicial decision.

Source: Court Administrator and Clerk of the Supreme Court; Administrative Office of the Courts