**APPENDIX D-4**

**POLICY ON JUDICIAL REPORTING ON**

**MATTERS UNDER ADVISEMENT**

*Cases under advisement*.

(a) Definitions.

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 Judicial Officer reasonably expects the opinion or order 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 forty-five (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 fifteen (15) days.

(b) Supreme Court. 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 Justice for more than ninety (90) days as of the last business day of the previous month.

(c) All other Courts. 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 Judicial Officer, of their respective Courts. The Chief Judge of the Court of Common Pleas 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 60 days as of the last business day of the previous month by each Judicial Officer of that Court. The Chief Magistrate of the Justice of the Peace Court 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 Judicial Officer of that Court; and

(d) Report. Each report shall include the following information:

1. Name of the Court;

2. Whether the report is for matters under advisement for 30 days, 60 days or 90 days;

3. Date the report is submitted;

4. Inclusive dates of the report;

5. Name of the Judicial Officer;

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, approved by the Presiding Judge of the Court involved.

(e) Each Judicial Officer shall furnish the information necessary to the Presiding Judge of the Court involved so an accurate and timely report can be prepared. Failure to do so for two consecutive months shall cause the Presiding Judge to file a notice with the Clerk of the Court on the Judiciary. The notice shall be processed as a complaint under Court on the Judiciary Rule 5.

(f) If any matter is under advisement for more than one year as of the last business day of the previous month, the Presiding Judge shall file a notice with the Clerk of the Court on the Judiciary. The notice shall be processed as a complaint under Court on the Judiciary Rule 5.