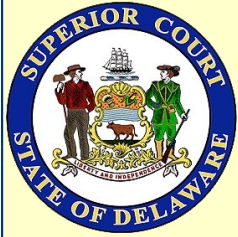


SUPERIOR COURT



SUPERIOR COURT

PRESIDENT JUDGE JAN R. JURDEN

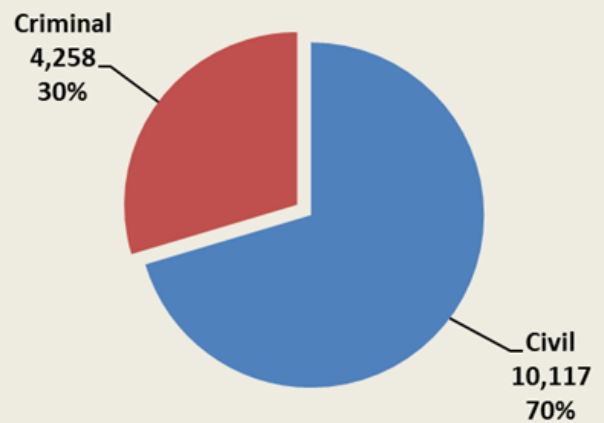


Like the rest of the world, the Superior Court continues to grapple with the effects of the COVID-19 pandemic. Since March 2020, the pandemic has impacted all our employees and all aspects of our core functions. While the long standing mandated mission of the Superior Court – to serve the public by providing fair, prompt and well-reasoned decisions in all matters coming before the Court – remains the same, the methods, processes and procedures by which we carry out this critical mission have necessarily changed significantly. The level of ingenuity, creativity, hard work, dedication, flexibility and cooperation demonstrated by all Superior Court judicial officers and staff, in the face of the many challenges presented by COVID-19, was, and continues to be, outstanding. It was through every Court employee’s adherence to our core values “UNITED” - Unity, Neutrality, Integrity, Timeliness, Equality and Dedication that we were able to fulfill our mission in FY 20.

Due to COVID safety concerns, the Superior Court rapidly transitioned to remote/virtual civil and criminal proceedings in mid-March. On the criminal side, a collaborative effort with our

justice partners coordinated by the Judicial Information Center involved procuring and installing audiovisual equipment in the courthouses, Department of Correction institutions, and Probation and Parole offices which enables the Court to hold remote hearings with probationers and incarcerated individuals. The individuals involved in this extraordinary effort worked almost round the clock, and without their dedication and expertise, the Court would not have been able to perform its core functions. The Court is extremely grateful for the exceptional teamwork and collabora-

NUMBER OF SUPERIOR COURT FILINGS
BY TYPE, FY 2020

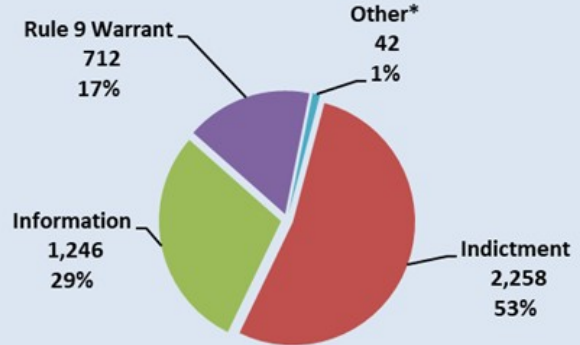


SUPERIOR COURT

tion of all the courts, the Administrative Office of the Courts, the Judicial Information Center, and our criminal justice partners. The Court is also grateful for the input and flexibility of the Civil Bar who worked with us to present important matters remotely. Long after we emerge from this pandemic, we will remember the significant assistance we received during this unprecedented and challenging time.

Technology was not the only issue critical to our operations during COVID. Communication was key. In March, before and after the Governor declared a State of Emergency and the Chief Justice declared a Judicial Emergency, the Superior Court engaged in frequent and regular communication with the other courts, the Capitol Police, the Department of Correction, Probation and Parole, the Department of Justice, the Office of Defense Services, the Department of Health and Social Services and law enforcement representatives. At the start, these teleconferences were daily – illustrating the fluidity of the situation. These ongoing discussions allowed us to exchange critical information, raise issues and concerns, problem-solve and plan – in real time. It is because of this communication we were able to ad-

NUMBER OF SUPERIOR COURT CRIMINAL FILINGS BY TYPE FY 2020



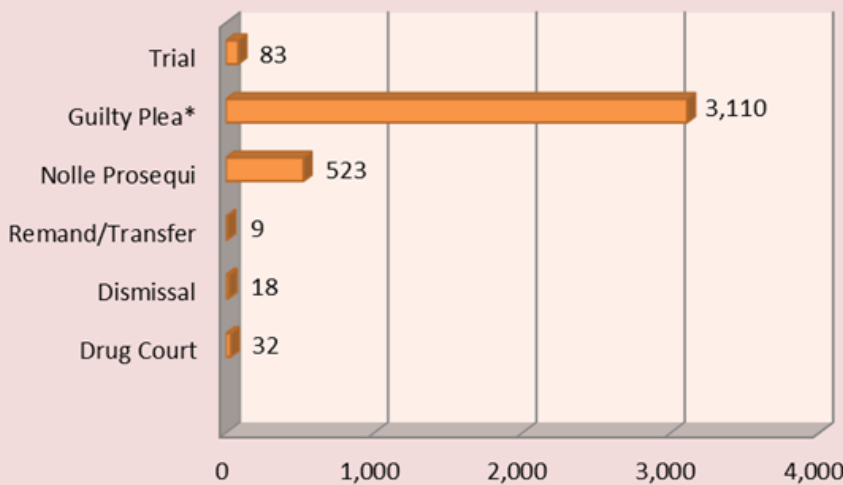
*Includes appeals, transfers, reinstatements, and severances.

just and adapt our processes to address issues raised by our partners and effectively implement innovative changes in response to the ever-changing and uncertain landscape.

Each year the Superior Court handles thousands of civil and criminal cases filings and cases. In FY 2020, we had 10,117 civil filings and 4,258 criminal filings. Due to the pandemic, Fiscal Year 2020 was different in many ways, including the manner in which cases and filings were processed, the temporary interruption of certain services, and the limited number of proceedings the Court was able to schedule. These factors most likely contributed to the slight reduction in filings from the prior year.

On the criminal side, the Court continued to handle a large number of first-degree murder and serious felony cases, including several complex multi-defendant, gang participation and criminal racketeering cases. During the pandemic, the Court was able to conduct 755 criminal proceedings remotely. On the civil side, thanks to electronic filing, the pandemic did not disrupt civil filings to the extent it did criminal. These electronic filings were reviewed and accepted mostly, and in some cases entirely, remotely.

NUMBER OF SUPERIOR COURT CRIMINAL DISPOSITIONS BY METHOD FY 2020



*Includes Probation Before Judgment.

**First Offender Program.

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SUPERIOR COURT

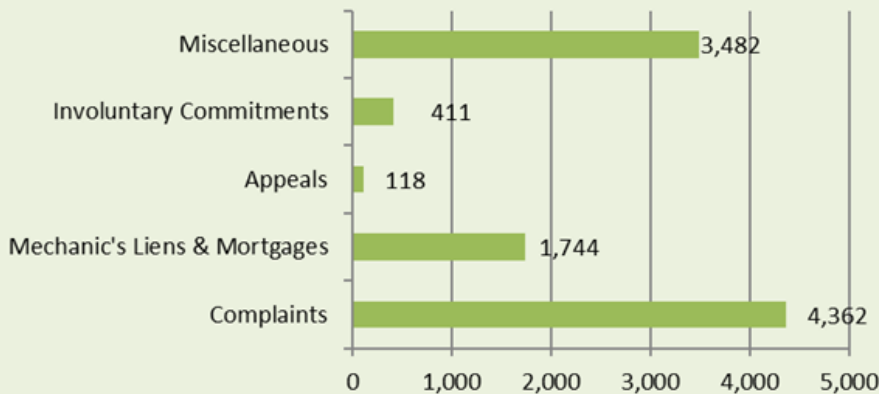
And, thanks to technology and the good help of the Judicial Information Center, as with criminal matters, we were able to quickly pivot and handle civil proceedings remotely/virtually. The first two weeks into Phase II, the Court was able to conduct 128 civil proceedings remotely. Through our Bench Bar Liaisons we received helpful suggestions, ideas and feedback from civil practitioners. That information proved very useful as we considered how to best implement remote/virtual civil proceedings during COVID-19. Moreover, through this open flow of communication, the Court was able to quickly identify issues affecting civil lawyers' ability to file cases and motions and to remedy any problem quickly. The disruption and many challenges presented by COVID caused the Court to take a hard look at its current practices and make changes to facilitate remote/virtual proceedings, improve efficiency, and better use our limited resources. The Court is committed to listening to feedback from the Bar and our justice partners, and improving our processes as needed in order to best serve the Bar and the public.

Throughout the pandemic, the Court continued to issue written opinions and orders. From March 16 to June 30, 2020, the Superior Court issued 408 civil opinions and orders and 293 criminal opinions and orders. Many of these civil and criminal opinions and orders are posted on the webpage. In addition to posting opinions and orders on its webpage, the

Court distributes its Administrative Directives, Administrative Orders and Rule Changes through the Bar's Listserv. The Court's webpage is routinely updated with new information to keep the Bar and the public informed. This webpage also provides useful information on court processes, forms, schedules and other material to aid in navigation of the court system.

In response to COVID-19, Governor Carney issued a State of Emergency and many modifications to that State of Emergency which impacted Court processes. The Governor's State of Emergency and the federal government's passage of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") established a moratorium on mortgage foreclosures, evictions and summary possessions. The Court worked with the Department of Justice and the Governor's Office on the implementation of this moratorium on new filings, previously filed matters, and those matters currently involved in Superior Court's Automatic Residential Mortgage Foreclosure Mediation Program. In order to appropriately address the changing restrictions brought about by modifications to the State of Emergency and numerous federal entities on what actions could be taken on various mortgages, the Superior Court issued Administrative Orders requiring compliance with all federal, state, local and municipal statutes, orders, restrictions and preclusions.

**NUMBER OF SUPERIOR COURT CIVIL FILINGS
BY TYPE FY 2020**



Our acclaimed Complex Commercial Litigation Division (CCLD) saw 124 new filings in FY 20. CCLD cases include complex commercial/business disputes with an amount in controversy of \$1 million or more. Judges Mary M. Johnston, Eric M. Davis, Paul R. Wallace, and Abigail M. LeGrow expertly handle these cases. In addition to the specialized CCLD docket, the Court has a large docket of mass torts and asbestos cases. As of June 30, 2020, there were 1,504

SUPERIOR COURT

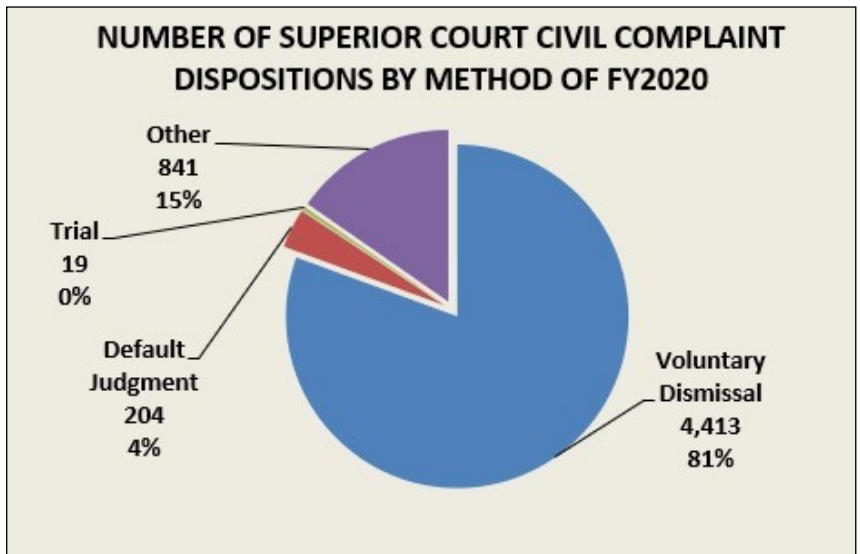
mass tort cases, 5,844 asbestos cases and 193 CCLD cases pending.

Along with managing our heavy civil and criminal caseloads, the Court expended significant time and resources preparing for the resumption of jury trials under COVID-19 safety protocols. This involved, for example, courtroom modifications, including installation of clear safety barriers and reconfiguration of juror seating in the courtrooms, and modified processes and procedures to ensure the safety and well-being of employees, jurors, litigants, witnesses and members of the press and public.

Through the middle of March 2020, the Court continued to summons jurors for service in the Superior Court and the Court of Common Pleas in all three counties. Due to safety concerns and in adherence to the Chief Justice's Reopening Plan, the Court did not summons any jurors from the middle of March through the end of June 2020. In June, the Chief Justice established a Jury Committee composed of judges and administrators to study and evaluate courthouse structures and jury processes in all three counties and provide a comprehensive report with recommendations as to how we could resume jury trials safely during COVID-19. The Committee's report, adopted by the Supreme Court, was the blueprint followed when we resumed jury trials in October. After holding one trial in Kent County Superior Court, the trials were again put on hold due to pandemic-related safety concerns in November and that pause is expected to last into January 2021.

We continue to review our jury management plan to ensure that we implement and maintain all necessary safety precautions and practices when jury trials resume.

Our improved Jury Management System enables jurors to complete their juror questionnaires and request for rescheduling or excusal online. We added additional questions to the questionnaire to address COVID-19 safety and concerns. In order to meet appropriate social distancing guidelines, we made mod-



ifications to the Jury Services Department in each courthouse. These include installation of safety barriers and the creative use of technology.

The right to trial by jury is the bedrock of our criminal and civil justice system. As such, we continue to scrutinize and update our processes in an effort to minimize juror inconvenience and maximize juror safety during this pandemic and into the future.

Superior Court's Problem-Solving Courts continue to work with our justice partners in an ongoing effort to improve outcomes for the individual participants, reduce recidivism and improve public safety. The Problem-Solving Courts include: the Mental Health Court presided over by judges Resident Judge Richard F. Stokes, Judge Andrea L. Rocanelli and Judge Jeffrey J. Clark and the Veterans Treatment Court presided over by Resident Judge William L. Witham Jr., Resident Judge Stokes, and Judge Paul R. Wallace. Resident Judge Witham worked collaboratively with the Supreme Court and the Board of Bar Examiners to have the military spouse rule (Supreme Court Rule 55.4) adopted in Delaware. Thus, effective November 1, 2019, military spouses licensed to practice law in another jurisdiction may apply for a certification of limited practice in Delaware. Resident Judge Charles E. Butler, who presides over Reentry Court, continues his work as Superior Court's representative on the Delaware Correctional Reentry Commission

Continued on next page

SUPERIOR COURT

established by Governor Carney’s Executive Order No. 27.

The Superior Court is privileged to have extremely hardworking, dedicated and loyal staff who work tirelessly to provide excellent service. Our staff is our greatest resource. This year, in particular, we are very proud of the outstanding efforts, flexibility, and innovation of the Court’s staff. Within weeks of the pandemic affecting Delaware, a system was in place enabling employees to work both remotely and safely onsite. The safety and well-being of our employees remains in the forefront of each decision made during this unprecedented time. Superior Court’s employees have shown their commitment to the Court and the citizens of Delaware through their outstanding work ethic during an unprecedented, extremely difficult time, and we are grateful.

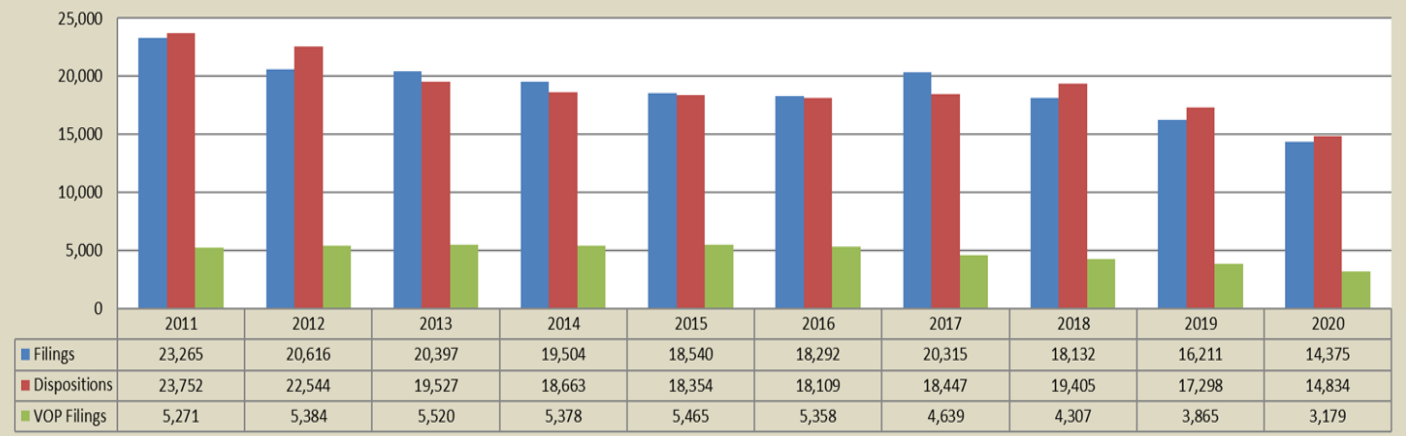
The Court would be remiss if it did not recognize Judge William C. Carpenter’s herculean efforts during this pandemic. On April 27, 2020, the Chief Justice tapped Judge Carpenter to chair the Courts Reopening Committee. That Committee consisted of members of the Judiciary, court staff, the Administrative Office of the Courts, the Department of Justice, Office of Defense Services, the Department of Correction, Capitol Police, law enforcement, and others, who were tasked with recommending criteria to safely increase courthouse operations while minimizing the risk of COVID-19 to employees and the

public. On March 26, 2020, the Committee submitted its report recommending a phased approach to reopening. The Chief Justice adopted the report’s recommended phased reopening starting on June 8, 2020. The Courts Reopening Committee then created a subcommittee, the Jury Management Working Group, which was also headed by Judge Carpenter. In addition, Judge Carpenter was tasked with leading the Superior Court through the implementation process detailed in these reports. As New Castle County Superior Court’s Criminal Administrative Judge, Judge Carpenter was also instrumental in devising completely new criminal events calendars, which enabled us to address criminal proceedings remotely. The Court thanks Judge Carpenter for his steady-handed guidance through this pandemic.

Fiscal Year 20 brought many changes to the Superior Court. Lisa Robinson, Kent County’s former Deputy Court Administrator, agreed to return to the Superior Court in the role of Court Administrator beginning August 1, 2020. Lisa brings with her 27 years of service to the Superior Court, working her way up the ladder to her current position from a casual seasonal position when she was first hired. Since her return she hit the ground running and has helped us navigate through all the many challenges posed by the pandemic. The Superior Court is grateful and we are delighted to welcome Lisa home.

The Court is extremely grateful that our Chief Staff Attorney, Linda Carmichael, agreed to serve as our

SUPERIOR COURT CIVIL & CRIMINAL FILINGS & DISPOSITIONS BY FISCAL YEAR



SUPERIOR COURT

Acting Court Administrator in March, right at the time the Judicial Emergency began. Linda's willingness to step up and assume this critical role during the pandemic, and on top of all her duties and responsibilities as our Chief Staff Attorney, are illustrative of her long standing dedication and exemplary service to our Court. Linda did an outstanding job in both roles for several months until our new Court Administrator took over in August.

On September 19, 2019, the Honorable Meghan A. Adams was sworn in as a Superior Court judge, filling the vacancy created by the retirement of our dear late colleague, the Honorable John A. Parkins, Jr. Prior to her appointment, Judge Adams was an attorney with Morris James LLP. The Court welcomes Judge Adams to her new role.

On May 1, 2020, Judge E. Scott Bradley retired after serving 20 years on the bench. Judge Bradley was nominated by former Governor Thomas A. Carper as a Judge of the Superior Court in 2000. The Court thanks him for his many years of service.

On June 2, 2020, Judge Charles E. Butler was sworn in as the Resident Judge of the Superior Court of New Castle County, the position formerly held by the Honorable Richard R. Cooch (retired). The Court welcomes Judge Butler to his new role.

On June 7, 2020, the Honorable Francis J. Jones, Jr. was sworn in as a Superior Court judge, filling the vacancy created by Judge Butler's move to Resident Judge. Prior to his appointment, Judge Jones was a partner at Morris James LLP. The Court welcomes Judge Jones to his new role.

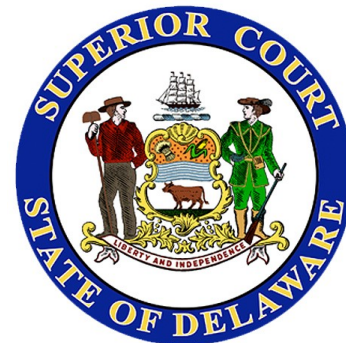


The jury box in Courtroom 8B of the Leonard L. Williams Justice Center in Wilmington where clear plastic shields were installed as a safety measure during the pandemic.

On July 6, 2020, the Honorable Mark H. Conner was sworn in as a Superior Court judge, filling the vacancy created by the retirement of Judge Bradley. Prior to his appointment, Judge Conner was an attorney in the Office of Defense Services. The Court welcomes Judge Conner to his new role.

Notwithstanding a pandemic, heavy workloads, staff shortages, changing processes and uncertainty as to when all of us can return to a

“new normal,” Superior Court stands UNITED in our continuing efforts to provide exemplary service to those we are honored to serve. ♦



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SUPERIOR COURT

SUPERIOR COURT JUDGES



Top Row (L-R): President Judge Jan R. Jurden; Judge William C. Carpenter, Jr.; Resident Judge William L. Witham, Jr.; Resident Judge Richard F. Stokes;

Middle Row (L-R): Judge Calvin L. Scott, Jr.; Judge Mary Miller Johnston; Judge Diane Clarke Streett; Resident Judge Charles E. Butler;

Bottom Row (L-R): Judge Eric M. Davis; Judge Paul R. Wallace; Judge Vivian L. Medinilla; Judge Andrea L. Rocanelli.

SUPERIOR COURT

SUPERIOR COURT JUDGES



Top Row (L-R): Judge Ferris W. Wharton; Judge Jeffrey J Clark; Judge Abigail M. LeGrow; Judge Noel E. Primos; Judge Sheldon K. Rennie;

Bottom Row (L-R): Judge Craig A. Karsnitz; Judge Meghan A. Adams; Judge Francis J. Jones, Jr.; Judge Mark H. Conner.

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SUPERIOR COURT

SUPERIOR COURT COMMISSIONERS



Top Row (L to R): Commissioner Alicia B. Howard; Commissioner Andrea M. Freud; Commissioner Lynne M. Parker;

Bottom Row (L to R): Commissioner Katharine L. Mayer; Commissioner Janine M. Salomone.