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**The Delaware Supreme Court Reports on Progress on DSBA/ACTL
Recommended Improvements and Reforms**

The Delaware Supreme Court today issued a detailed and comprehensive response to the Joint Study of the Delaware Courts Conducted by the Delaware State Bar Association (DSBA) and the Delaware Chapter of the American College of Trial Lawyers (ACTL) issued in June 2016.

Over the past 12 months the recommendations in the Joint Study, also known as the ACTL Report, have been reviewed in detail by the Delaware Courts and many of those recommendations have already been implemented while work on others remains ongoing. The response issued today outlines the progress that has been made and the work that remains going forward.

“This is our report back to the community and in particular to the many members of the Delaware Bar and others that worked on, and participated in, the ACTL Report. We wanted to make sure the public, and members of the Bar, know that we take constructive and candid feedback seriously and that we are acting affirmatively on what we heard,” said Chief Justice Leo E. Strine, Jr. “Last year we promised to respond to the ACTL Report with a concrete action plan and this is our fulfillment of that promise,” he said.

“Delawareans are privileged to reside in a jurisdiction hallmarked by a superior judicial system,” said DSBA President Mindy Clifton. “Although the Delaware Judiciary has consistently proven itself excellent, our Judiciary is continually striving to improve itself. This newly released Response is merely another example of our Court system’s responsive nature and their commitment to administer justice with both efficiency and compassion,” she said.

The Delaware Supreme Court requested the DSBA and ACTL conduct a survey in 2015 to solicit constructive input from members of the community to make a strong Judiciary even stronger. Seeking this kind of consumer-driven feedback is in keeping with history and tradition in the Delaware Courts, which in 1994 sought similar input from the Delaware Courts 2000 Commission that produced a number of improvements and reforms.

The ACTL Report picks up where Courts 2000 left off. Throughout 2015 into 2016, leading senior lawyers from all practice areas volunteered their time to conduct the study, with the assistance of the Administrative Office of the Courts and talented junior lawyers. The survey involved interviews with more than 100 members of the Delaware Bar and an additional 1,300 online responses to detailed questions from attorneys and others. The responses were then

reviewed, analyzed, and summarized in the ACTL Report released in June 2016 that included a list of recommendations on areas where the legal community felt Delaware Courts could improve.

Since the ACTL Report was released, each of the Delaware Courts has been carefully reviewing the recommendations. The response issued today is an action plan. It highlights issues from the ACTL Report and details what recommendations have been addressed, what recommendations remain pending and how those pending recommendations will be addressed. The action plan has been divided into two parts: the first part addresses cross-court issues that involve more than one court (and in some cases involve all Delaware Courts), and the second part addresses issues and reforms that are specific to an individual court.

In reviewing the ACTL Report, a number of themes emerged that help give context to the recommendations and informed the action plan. Those themes include:

- The importance of communication;
- Consistency and predictability;
- Becoming single, consistent courts of a state, not individual courts of particular counties;
- Making sure the jurisdiction of the various courts is clear;
- Promoting good practices in litigation; and
- The importance of technology and data sharing.

“It was gratifying that the Delaware Judiciary, in 2015, sought the unvarnished, constructive input from those who work in Delaware Courts every day through the survey conducted by the American College of Trial Lawyers and the DSBA. That request resulted in the Joint Study of the Delaware Courts. It is now even more gratifying to see all that hard work by the many volunteers who worked on the Joint Study and the hundreds who participated, producing real reforms in this detailed response by the Delaware Judiciary. This type of partnership between the Bench and Bar continues to prove why Delaware remains the best court system in the country.” said Bartholomew J. Dalton, a co-chair of the Joint Study and current president of the American College of Trial Lawyers.

The plan for addressing cross-court issues raised by the ACTL Report include:

- The Superior Court and the Court of Common Pleas joining forces to cooperate in a long-term effort to integrate the work of the Drug, Mental Health, and Veterans Treatment Courts, establish consistent criteria for eligibility and for case management and treatment, and pool the efforts of the judicial officers in each court, without regard to artificial jurisdictional lines. This forward-thinking

vision was embraced by the Criminal Justice Council of the Judiciary (CJCJ) — which was charged with reviewing the treatment courts. The Administrative Office of the Courts then worked with the CJCJ to procure a large grant from the Bureau of Justice Assistance to help make this vision a reality. An interim administrative order cross-assigning judges as the initial step in this direction was signed on April 24, 2017.

- Improving case management and information sharing between the courts and system providers, with the Judiciary’s goal to extend the File & ServeXpress® system to all of its civil caseload by the end of 2017 and in criminal cases by the end of 2018. In fact the Court of Common Pleas successfully converted its civil cases to File & ServeXpress® in April of this year.
- Creating a Jurisdiction Improvement Committee to consider jurisdictional issues raised by the ACTL Study and to make recommendations, including legislative proposals, to address those issues.
- Improving the consistency of procedural practices in all courts.

Copies of the Supreme Court’s response to the Joint Study can be found on the Delaware Courts website at: <http://courts.delaware.gov/AOC/docs/Response-to-Joint-Study.pdf>

Copies of the 2016 Joint Study of the Delaware Courts Conducted by the Delaware State Bar Association and the Delaware Chapter of the American College of Trial Lawyers can be found on the Delaware Courts website at: <http://courts.delaware.gov/AOC/docs/ACTL-DSBA-Full-Report.pdf>

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