

# Court of Chancery

In fiscal year 2003, the Court of Chancery completed its transition of the Court and the Register in Chancery to a statewide office and implemented statewide practices and procedures making the Court as a whole more accessible to the public and the bar. In addition, the Court completed construction of the new Court of Chancery building on The Circle in Georgetown. The support staff and chambers are now consolidated in



Chancellor William B. Chandler III

one building which also facilitates improved access for the public and the bar.

In addition to improved access, the legislature approved expanding the Court's jurisdiction over technology disputes and the ability to conduct a "mediation only" program for technology and business disputes. The Court recently adopted rules implementing the new technology jurisdiction and "mediation only" program that were created pursuant to Senate Bill No. 58, which added Sections 346 and 347 to Title 10 of the Delaware Code. The technology dispute jurisdiction, as well as the "mediation only" program, will further expand the services that the Court of Chancery offers to entities incorporated or formed in Delaware, or that have their place of business here.

More recently, the Court of Chancery launched its new electronic filing system. As of October 20, 2003 all documents filed in pending or new civil action cases are required to be filed electronically through the LexisNexis e-filing system. Thus, the Court of Chancery becomes the first statewide court in the country to adopt e-filing for all of its civil docket, regardless of the amount in controversy. E-filing will enhance the Court's reputa-

tion for efficiency, speed and accessibility, as well as reduce the amount of storage space needed for documents filed with the Register in Chancery. With the implementation of the LexisNexis e-filing system, the Court is now accessible not only by all Chambers and Register in Chancery staff, but by the bar and the public through internet access. This system will enable staff to better facilitate the management of the civil actions caseload. The Court of Chancery looks forward to the implementation of COTS which will combine the Court's entire caseload into a single case and financial management system.



*From Left to Right*  
Vice Chancellor John W. Noble  
Vice Chancellor Leo E. Strine  
Chancellor William B. Chandler III  
Vice Chancellor Stephan P. Lamb  
Vice Chancellor Donald F. Parsons, Jr.

**Legal Authorization**

The Constitution of Delaware, Article IV, Section 1, authorizes the Court of Chancery.

**Court History**

The Court of Chancery came into existence as a separate court under the constitution of 1792. It was modeled on the High Court of Chancery in England and is in direct line of succession from the Court. The Court consisted solely of the chancellor until 1939 when the position of vice chancellor was added. The increase of the Court’s workload, since then, has led to further expansions to its present complement of a chancellor and four vice chancellors, with the addition of the fourth vice chancellor being made in 1989.

**Geographic Organization**

The Court of Chancery holds court in Wilmington, Dover and Georgetown. The chancellor and vice chancellors are nominated by the Governor and must be confirmed by the Senate for 12-year terms. The chancellor and vice chancellors must be learned in the law and must be Delaware citizens.

**Public Guardian**

The chancellor has the duty to appoint the public guardian.

**Support Personnel**

The register in chancery is the clerk of the court for all actions except those within the jurisdiction of the register of wills. The chancellor or vice chancellor resident in the county is to appoint one chief deputy register in chancery in each county. The register in chancery in New Castle County appoints a chief deputy register in chancery as well.

**Legal Jurisdiction**

The Court of Chancery has jurisdiction to hear and determine all matters and causes in equity. The general equity jurisdiction of the Court is measured in terms of the general equity jurisdiction of the High Court of Chancery of Great Britain as it existed prior to the separation of the American colonies. The General Assembly may confer upon the Court of Chancery additional statutory jurisdiction. In today’s practice, the litigation in the Court of Chancery consists largely of corporate matters, trusts, estates, and other fiduciary matters, disputes involving the purchase and sale of land, questions of title to real estate, and commercial and contractual matters in general. When issues of fact to be tried by a jury arise, the Court of Chancery may order such facts to trial by issues at the Bar of the Superior Court (10 Del. C., §369).

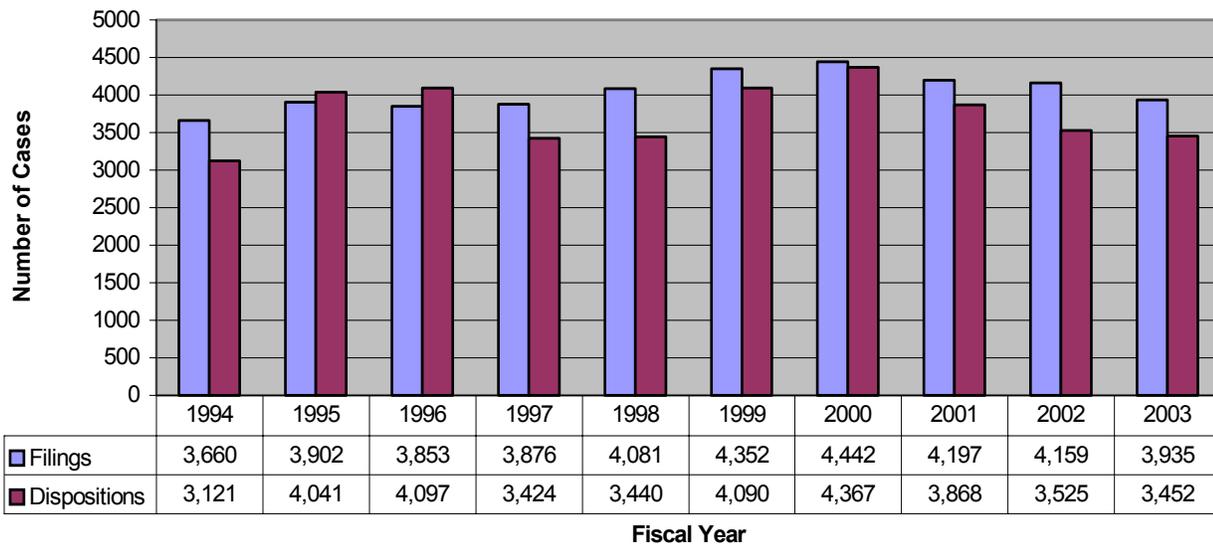
<b>Caseload Summary Fiscal Year 2003 - Total Cases</b>						
	Pending 6/30/2002	Filings	Dispositions	Pending 6/30/2003	Change In Pending	% Change In Pending
New Castle County	8,284	2,617	2,129	8,772	+488	+5.9%
Kent County	2,185	543	634	2,094	-91	-4.2%
Sussex County	3,274	775	689	3,360	+86	+2.6%
<b>State</b>	<b>13,743</b>	<b>3,935</b>	<b>3,452</b>	<b>14,226</b>	<b>+483</b>	<b>+3.5%</b>

<b>Caseload Comparison - Fiscal Years 2002-2003 - Total Case Filings</b>				
	2002	2003	Change	% Change
New Castle County	2,808	2,617	-191	-6.8%
Kent County	526	543	+17	+3.2%
Sussex County	825	775	-50	-6.1%
<b>State</b>	<b>4,159</b>	<b>3,935</b>	<b>-224</b>	<b>-5.4%</b>

<b>Caseload Comparison - Fiscal Years 2002-2003 - Total Case Dispositions</b>				
	2002	2003	Change	% Change
New Castle County	2,317	2,129	-188	-8.1%
Kent County	501	634	+133	+26.5%
Sussex County	707	689	-18	-2.5%
<b>State</b>	<b>3,525</b>	<b>3,452</b>	<b>-73</b>	<b>-2.1%</b>

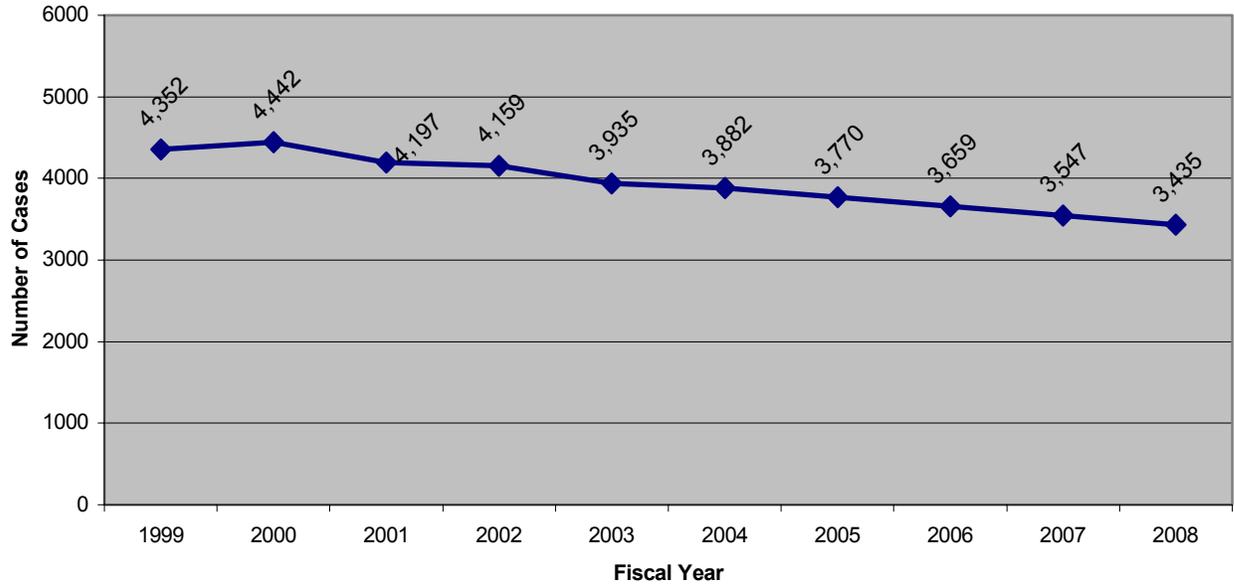
Source: Register in Chancery; Registers of Wills; Administrative Office of the Courts.

**Court of Chancery - 10 Year Total Caseload Trend**

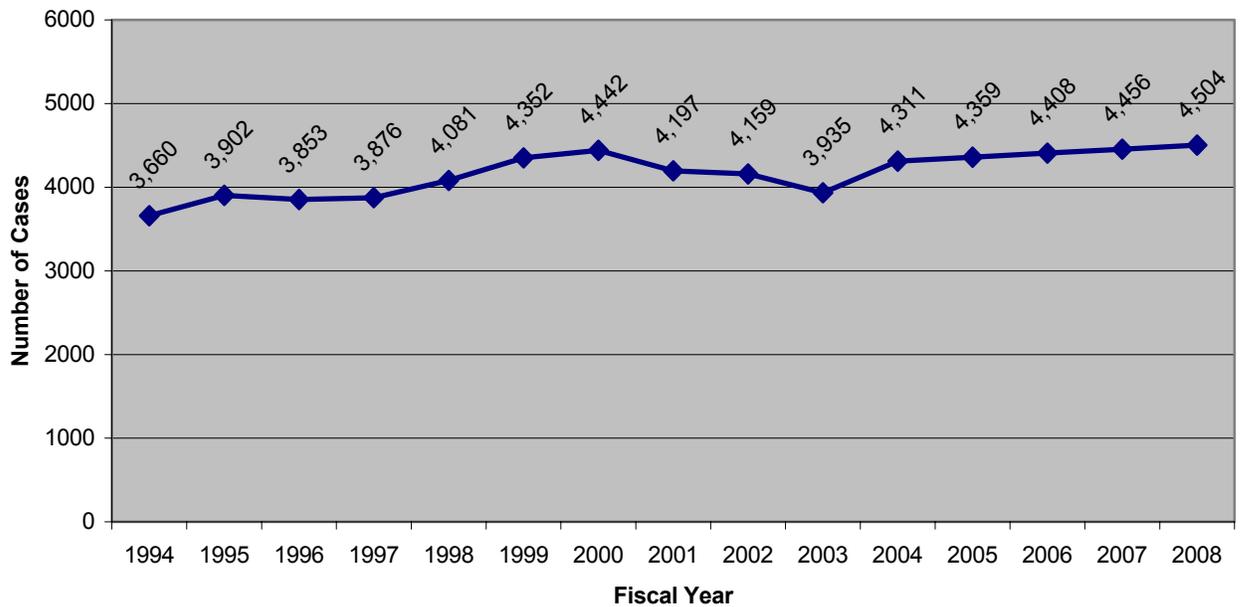


Source: Register in Chancery; Registers of Wills; Administrative Office of the Courts.

**Court of Chancery - 5 Year Total Filing Projections With 5 Year Base**



**Court of Chancery - 5 Year Total Filing Projections With 10 Year Base**



Trend lines computed by regression analysis.

Source: Register in Chancery, Registers of Wills; Administrative Office of the Courts.

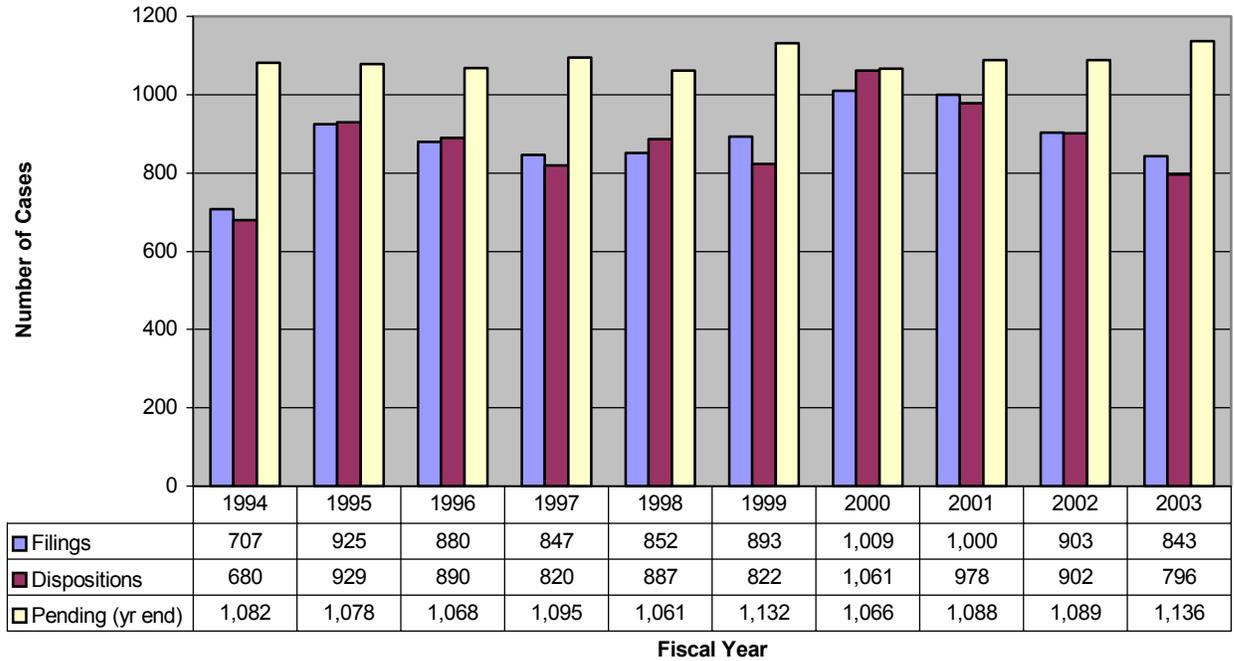
<b>Caseload Summary Fiscal Year 2003 - Civil Cases</b>						
	Pending 6/30/2002	Filings	Dispositions	Pending 6/30/2003	Change In Pending	% Change In Pending
New Castle County	899	708	696	911	+12	+1.3%
Kent County	63	35	31	67	+4	+6.3%
Sussex County	127	100	69	158	+31	+24.4%
<b>State</b>	<b>1,089</b>	<b>843</b>	<b>796</b>	<b>1,136</b>	<b>+47</b>	<b>+4.3%</b>

<b>Caseload Comparison - Fiscal Years 2002-2003 - Civil Filings</b>				
	2002	2003	Change	% Change
New Castle County	778	708	-70	-9.0%
Kent County	45	35	-10	-22.2%
Sussex County	80	100	+20	+25.0%
<b>State</b>	<b>903</b>	<b>843</b>	<b>-60</b>	<b>-6.6%</b>

<b>Caseload Comparison - Fiscal Years 2002-2003 - Civil Dispositions</b>				
	2002	2003	Change	% Change
New Castle County	778	696	-82	-10.5%
Kent County	54	31	-23	-42.6%
Sussex County	70	69	-1	-1.4%
<b>State</b>	<b>902</b>	<b>796</b>	<b>-106</b>	<b>-11.8%</b>

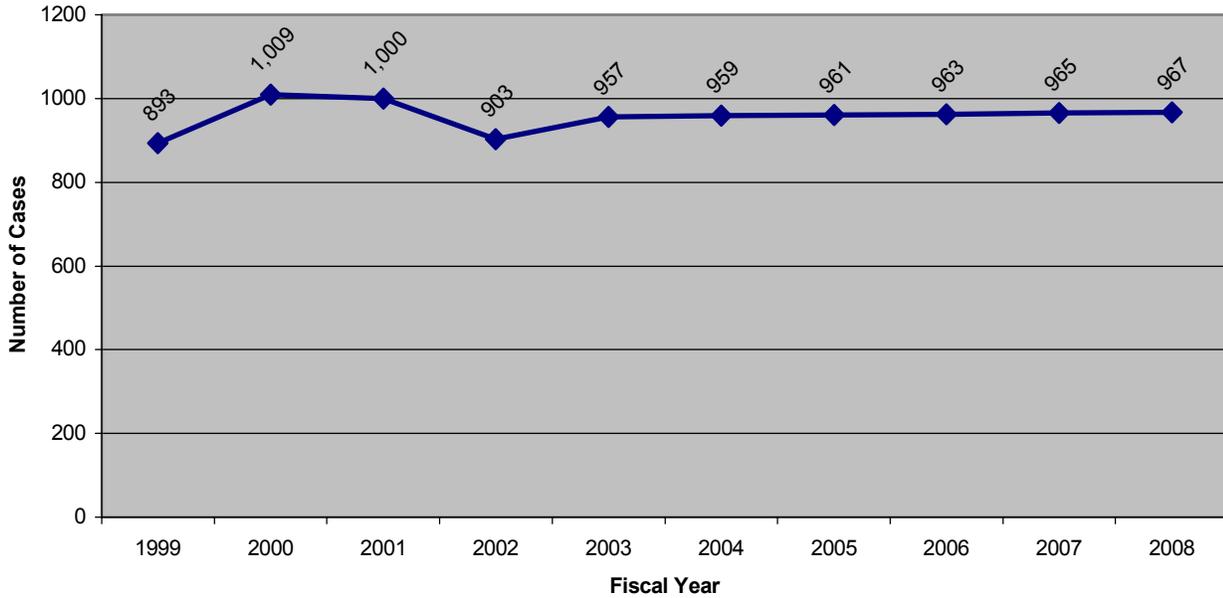
Source: Register in Chancery; Administrative Office of the Courts.

**Court of Chancery - 10 Year Civil Caseload Trend**

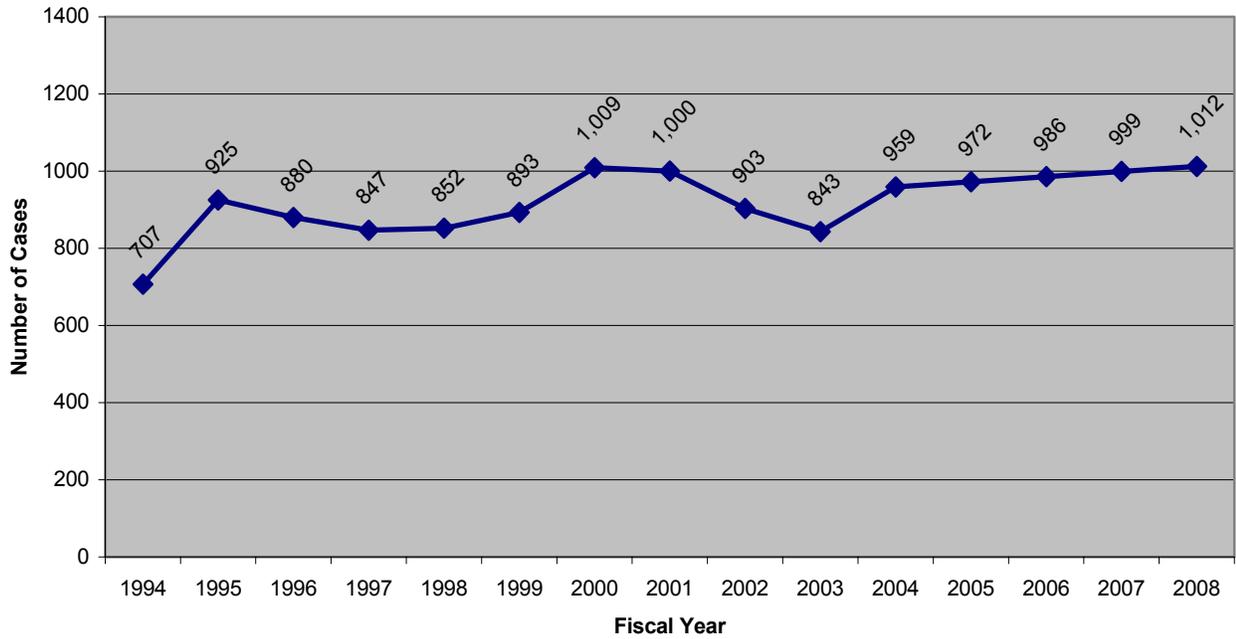


Source: Register in Chancery, Administrative Office of the Courts.

**Court of Chancery - 5 Year Civil Filing Projections With 5 Year Base**



**Court of Chancery - 5 Year Civil Filing Projections With 10 Year Base**



Trend lines computed by regression analysis.  
 Source: Register in Chancery, Administrative Office of the Courts.

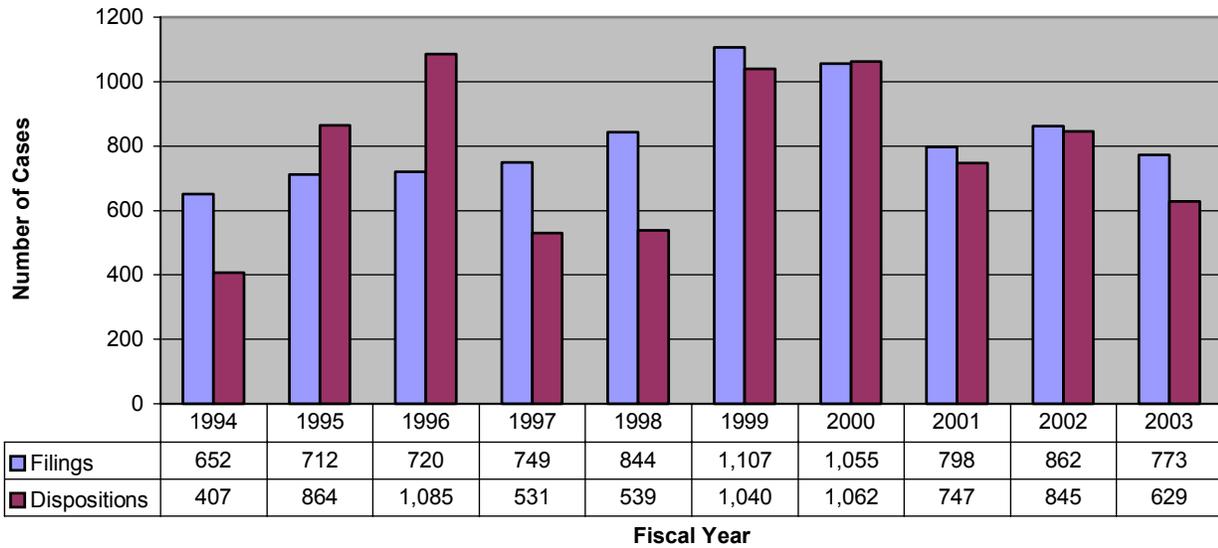
<b>Caseload Summary Fiscal Year 2003 - Miscellaneous Matters</b>						
	Pending 6/30/2002	Filings	Dispositions	Pending 6/30/2003	Change In Pending	% Change In Pending
New Castle County	3,781	490	289	3,982	+201	+5.3%
Kent County	795	141	256	680	-115	-14.5%
Sussex County	2,150	142	84	2,208	+58	+2.7%
<b>State</b>	<b>6,726</b>	<b>773</b>	<b>629</b>	<b>6,870</b>	<b>+144</b>	<b>+2.1%</b>

<b>Caseload Comparison - Fiscal Years 2002-2003 - Miscellaneous Matters Filings</b>				
	2002	2003	Change	% Change
New Castle County	581	490	-91	-15.7%
Kent County	121	141	+20	+16.5%
Sussex County	160	142	-18	-11.3%
<b>State</b>	<b>862</b>	<b>773</b>	<b>-89</b>	<b>-10.3%</b>

<b>Caseload Comparison - Fiscal Years 2001-2002 - Miscellaneous Matters Dispositions</b>				
	2002	2003	Change	% Change
New Castle County	298	289	-9	-3.0%
Kent County	69	256	+187	+271.0%
Sussex County	73	84	+11	+15.1%
<b>State</b>	<b>440</b>	<b>629</b>	<b>+189</b>	<b>+43.0%</b>

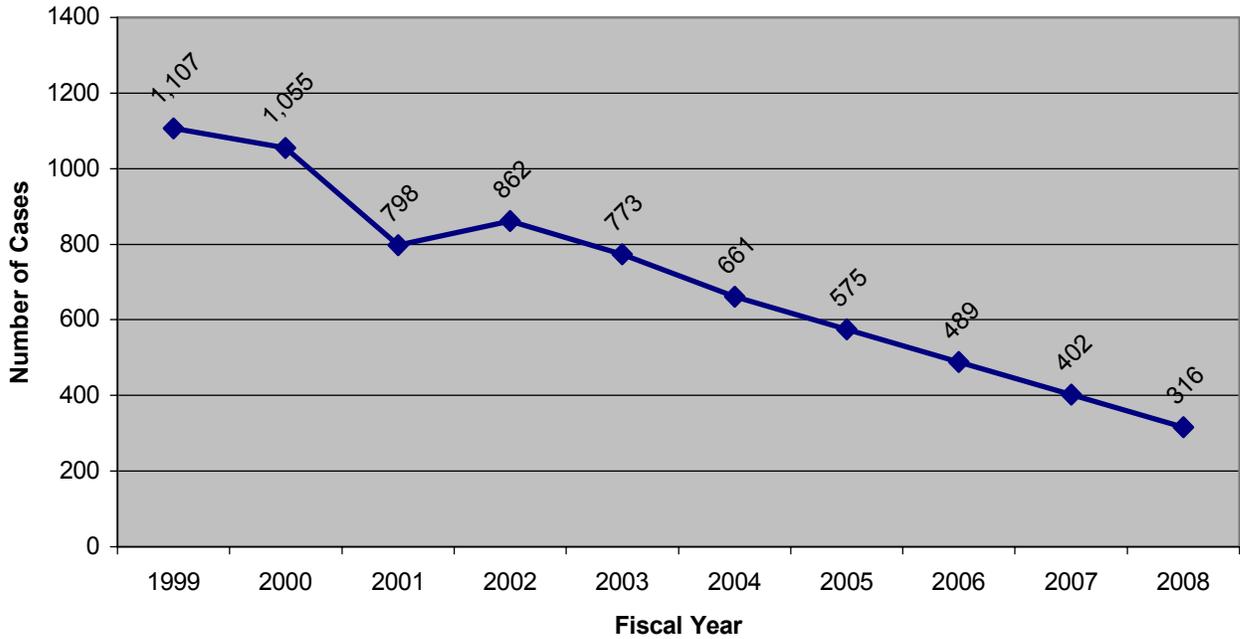
Source: Register in Chancery; Administrative Office of the Courts.

**Court of Chancery - 10 Year Miscellaneous Caseload Trend**

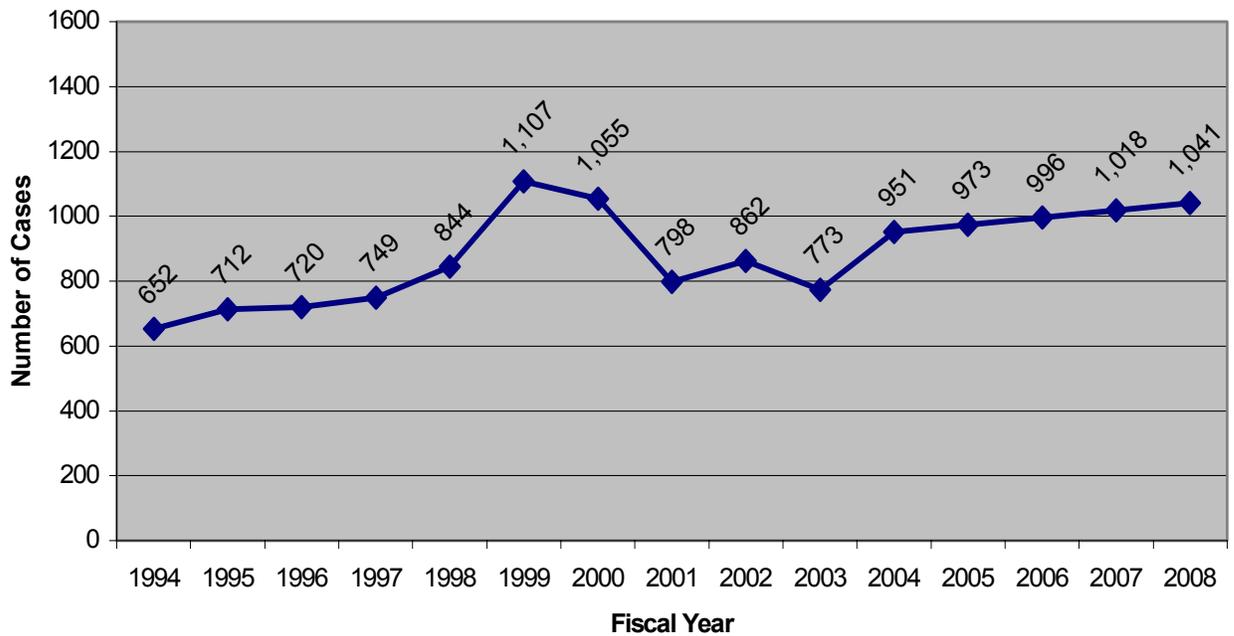


Source: Register in Chancery, Administrative Office of the Courts.

**Court of Chancery - 5 Year Miscellaneous Filing Projections With 5 Year Base**



**Court of Chancery - 5 Year Miscellaneous Filing Projections With 10 Year Base**



Trend lines computed by regression analysis.

Source: Register in Chancery, Administrative Office of the Courts.

<b>Caseload Breakdowns Fiscal Year 2003 - Miscellaneous Matters Filed</b>					
	Guardians for Minors	Guardians for Infirm	Trusts	Other Matters	Totals
New Castle County	186	148	46	110	490
Kent County	66	56	1	18	141
Sussex County	54	52	2	34	142
<b>State</b>	<b>306</b>	<b>256</b>	<b>49</b>	<b>162</b>	<b>773</b>
	38.0%	30.2%	9.4%	22.4%	100.0%
	46.8%	39.7%	0.7%	12.8%	100.0%
	38.0%	36.6%	1.4%	23.9%	100.0%
	<b>39.6%</b>	<b>33.1%</b>	<b>6.3%</b>	<b>21.0%</b>	<b>100.0%</b>

<b>Caseload Breakdowns Fiscal Year 2003 - Miscellaneous Matters Disposed</b>					
	Guardians for Minors	Guardians for Infirm	Trusts	Other Matters	Totals
New Castle County	147	92	40	10	289
Kent County	88	128	0	40	256
Sussex County	22	23	8	31	84
<b>State</b>	<b>257</b>	<b>243</b>	<b>48</b>	<b>81</b>	<b>629</b>
	50.9%	31.8%	13.8%	3.5%	100.0%
	34.4%	50.0%	0.0%	15.6%	100.0%
	26.2%	27.4%	9.5%	36.9%	100.0%
	<b>40.9%</b>	<b>38.6%</b>	<b>7.6%</b>	<b>12.9%</b>	<b>100.0%</b>

<b>Caseload Breakdowns Fiscal Year 2003 - Miscellaneous Matters Pending at End of Year</b>					
	Guardians for Minors	Guardians for Infirm	Trusts	Other Matters	Totals
New Castle County	1429	1526	537	490	3,982
Kent County	357	235	69	19	680
Sussex County	819	1053	148	188	2,208
<b>State</b>	<b>2,605</b>	<b>2,814</b>	<b>754</b>	<b>697</b>	<b>6,870</b>
	35.9%	38.3%	13.5%	12.3%	100.0%
	52.5%	34.6%	10.1%	2.8%	100.0%
	37.1%	47.7%	6.7%	8.5%	100.0%
	<b>37.9%</b>	<b>41.0%</b>	<b>11.0%</b>	<b>10.1%</b>	<b>100.0%</b>

<b>Caseload Breakdowns Fiscal Year 2003 - Miscellaneous Matters Change in Pending</b>					
	Guardians for Minors	Guardians for Infirm	Trusts	Other Matters	Totals
New Castle County	+39	+56	+6	+100	+201
Kent County	-22	-72	+1	-22	-115
Sussex County	+32	+29	-6	+3	+58
<b>State</b>	<b>+49</b>	<b>+13</b>	<b>+1</b>	<b>+81</b>	<b>+144</b>

Source : Register in Chancery; Administrative Office of the Courts.

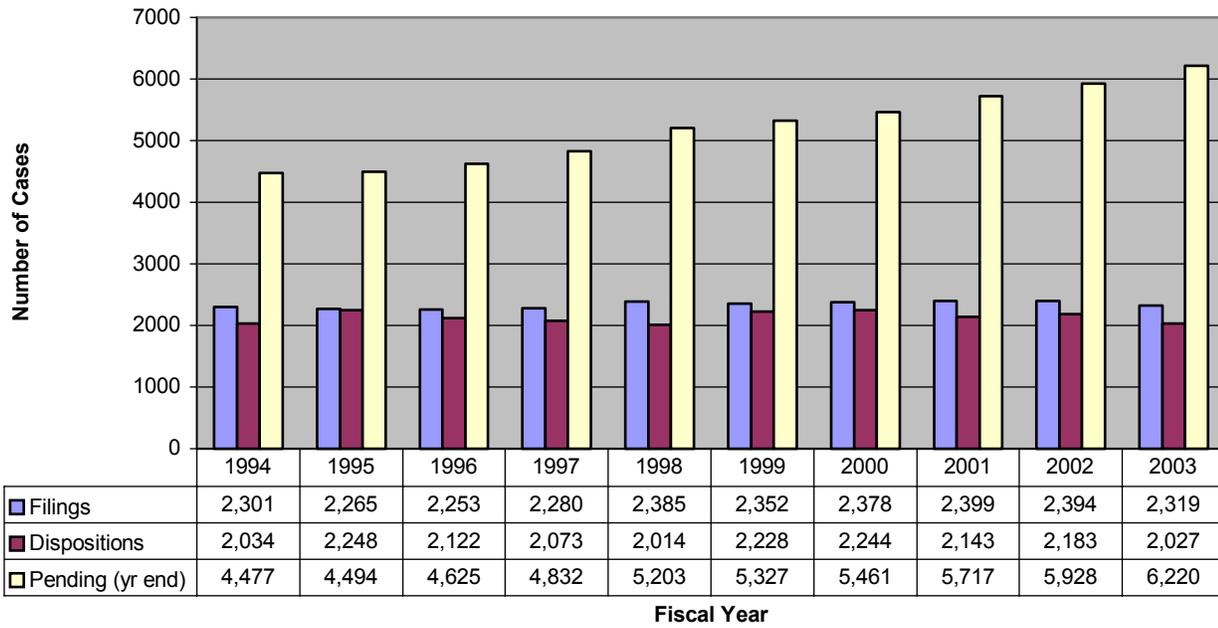
<b>Caseload Summary Fiscal Year 2003 - Estates</b>						
	Pending 6/30/2002	Filings	Dispositions	Pending 6/30/2003	Change In Pending	% Change In Pending
New Castle County	3,604	1,419	1,144	3,879	+275	+7.6%
Kent County	1,327	367	347	1,347	+20	+1.5%
Sussex County	997	533	536	994	-3	-0.3%
<b>State</b>	<b>5,928</b>	<b>2,319</b>	<b>2,027</b>	<b>6,220</b>	<b>+292</b>	<b>+4.9%</b>

<b>Caseload Comparison - Fiscal Years 2002-2003 - Estate Filings</b>					
	2002	2003	Change	% Change	
New Castle County	1,449	1,419	-30	-2.1%	
Kent County	360	367	+7	+1.9%	
Sussex County	585	533	-52	-8.9%	
<b>State</b>	<b>2,394</b>	<b>2,319</b>	<b>-75</b>	<b>-3.1%</b>	

<b>Caseload Comparison - Fiscal Years 2002-2003 - Estate Dispositions</b>					
	2002	2003	Change	% Change	
New Castle County	1,241	1,144	-97	-7.8%	
Kent County	378	347	-31	-8.2%	
Sussex County	564	536	-28	-5.0%	
<b>State</b>	<b>2,183</b>	<b>2,027</b>	<b>-156</b>	<b>-7.1%</b>	

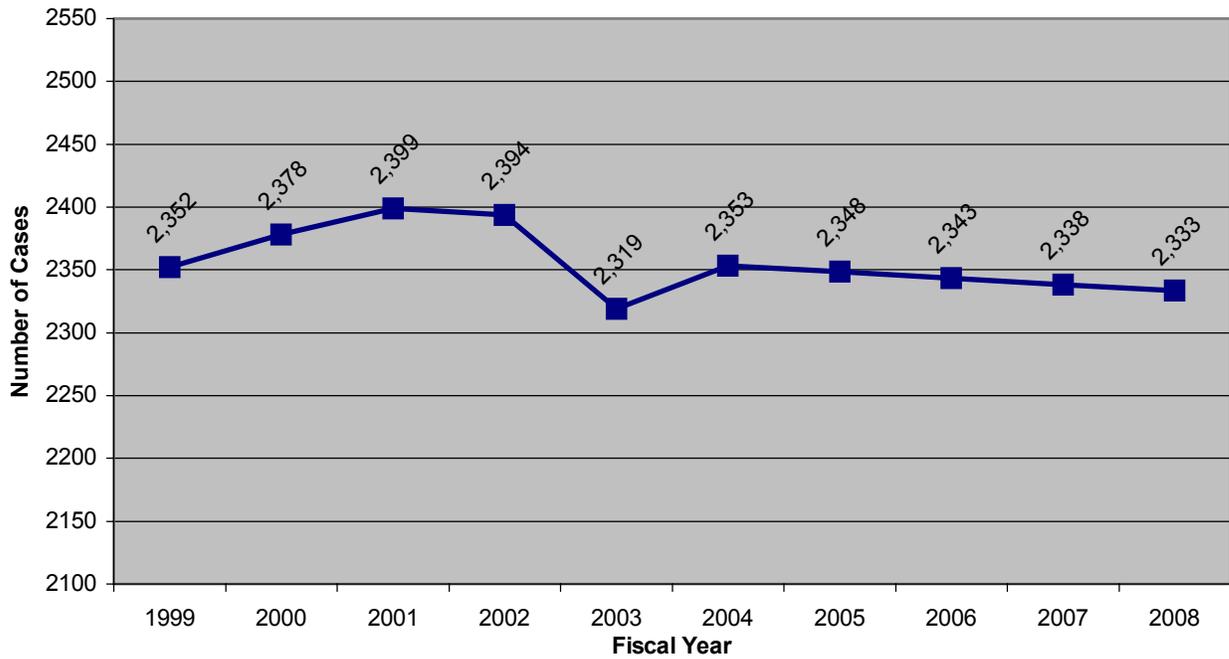
Source: Registers of Wills; Administrative Office of the Courts.

**Court of Chancery - 10 Year Estates Caseload Trend**

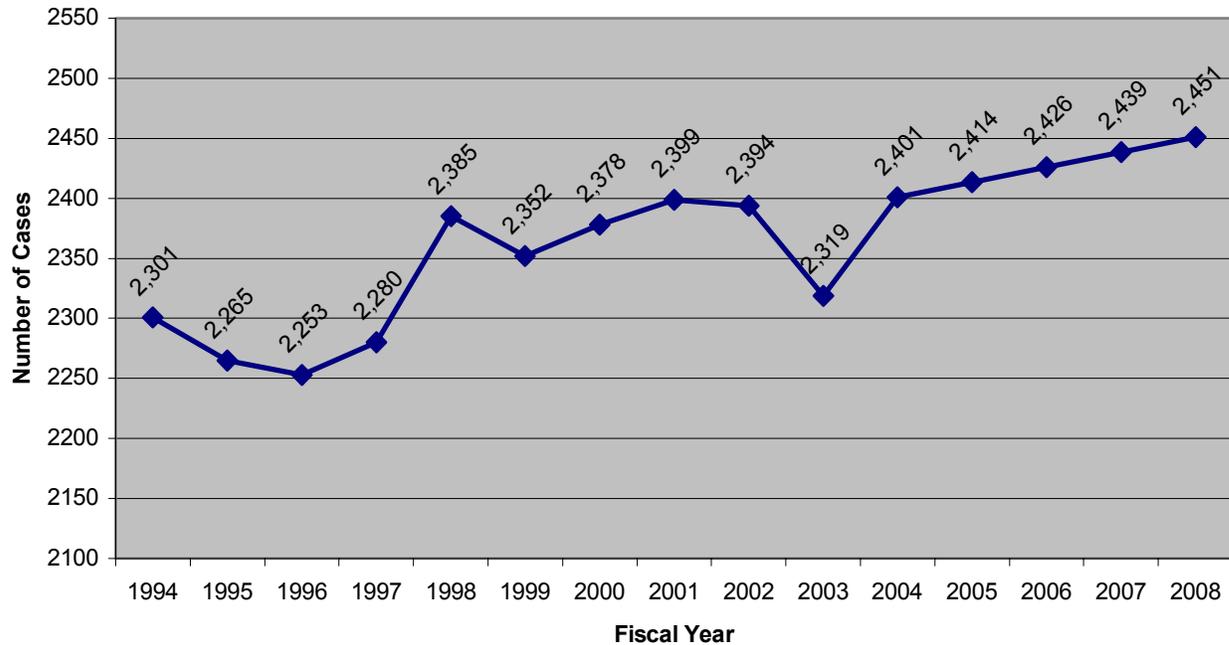


Source: Registers of Wills, Administrative Office of the Courts.

**Court of Chancery - 5 Year Estates Filing Projections With 5 Year Base**



**Court of Chancery - 5 Year Estates Filing Projections With 10 Year Base**



Trend lines computed by regression analysis.  
 Source: Registers of Wills, Administrative Office of the Courts.