

SUPERIOR COURT
OF THE
STATE OF DELAWARE

HENRY duPONT RIDGELY
PRESIDENT JUDGE

COURT HOUSE
DOVER, DE 19901

ADMINISTRATIVE DIRECTIVE
OF THE
PRESIDENT JUDGE OF THE SUPERIOR COURT
OF THE STATE OF DELAWARE

NO. 95-1

INDIVIDUAL ASSIGNMENT OF
CIVIL AND APPELLATE CALENDARS

This 31st day of July, 1995, with the concurrence of the Judges of the Superior Court and pursuant to Supreme Court Rule 82 and Superior Court Civil Rule 40(a), **IT IS DIRECTED THAT:**

(1) INDIVIDUAL ASSIGNMENT CALENDARS. Effective August 1, 1995 all civil complaints, mortgage foreclosures, mechanics' lien actions, certain miscellaneous matters as provided herein and all appeals on the record shall be individually assigned to a Judge upon filing. All matters pertaining to a cause will be heard by the Judge to whom it has been assigned except as provided by this Administrative Directive. Any other Superior Court Judge may act in lieu of the Judge to whom the cause is assigned whenever the assigned Judge is unavailable and will not become available prior to the expiration of the time within which judicial action is required. If the assigned Judge is unavailable for trial due to the trial of another cause or for any other reason, any other Judge may

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preside in the cause with the agreement of the assigned Judge. For causes specially assigned by the President Judge pursuant to Civil Rule 40(a), any other Judge may preside at trial upon the reassignment of the cause by the President Judge. Unless a cause or category of causes is specially assigned by the President Judge, individual assignments shall be made by the Prothonotaries of each County on a rotating basis among the Judges of each County designated to hear such causes so that the workload is fairly and evenly distributed. The Prothonotaries shall have no discretion in determining the Judge to whom any matter is assigned, nor shall staff disclose the name of the Judge to attorneys or other persons until after the assignment has been made. In the event of a Judge's recusal, the Prothonotary shall assign the matter to the next available Judge in accordance with the rotating assignment system.

(2) **ASSIGNMENT OF CIVIL ACTIONS.** The Judges of the Civil Division of the Superior Court in New Castle County are assigned all civil actions subject to assignment that are filed in New Castle County, unless the cause is otherwise specially assigned by the President Judge pursuant to Civil Rule 40(a). In Kent and Sussex Counties such civil actions shall be assigned to the Judges resident in each County, unless the cause is otherwise specially assigned by the

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President Judge pursuant to Civil Rule 40(a).

(3) **CIVIL OFFICE JUDGE ASSIGNMENTS.** In each County, one Judge will be designated as the "Civil Office Judge." The assignment may be rotated among the Judges designated to hear civil actions in the County. Effective August 1, 1995 the following causes are assigned to the Civil Office Judge upon filing:

A. **Miscellaneous:**

1. Cease and Desist Orders (MCED)
2. Complaints requesting an Order (MCRO)
3. Consent Orders (MCTO)
4. Issuance of Subpoena (MISS)
5. Petitions for Out-of-State Deposition (MOUT)
6. Petitions to compel Satisfaction of Judgment (MSOJ)
7. Petitions to Satisfy a Mortgage (MSAM)
8. Writs of Possession (MPOS)
9. Toxic Consent Order (MTOX)
10. Any application relating to an unassigned cause except a request for individual assignment pursuant to Civil Rule 40 (a).

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11. Emergency applications when the assigned Judge is unavailable.

B. Judgment Cases:

1. Petitions to Stay/Vacate Sheriff Sale or Set Aside Mortgage (MSSS, MSEM)
2. All uncontested Judgment Petitions

C. Involuntary Commitments: (INVC)

1. Routine orders

(4) ASSIGNMENT OF APPEALS AND MISCELLANEOUS CIVIL MATTERS RELATING TO CRIMINAL CASES. The Judges of Criminal Division I and Criminal Division II of the Superior Court in New Castle County are assigned all civil and criminal appeals on the record (including certioraris) and miscellaneous matters relating to criminal cases that are filed in New Castle County, unless the cause is otherwise specially assigned by the President Judge pursuant to Civil Rule 40(a). Judges assigned to the Civil Division may participate in civil appeals on a voluntary basis. In Kent and Sussex Counties such appeals and miscellaneous matters are assigned to the Judges resident in each County, unless the cause is otherwise specially assigned by the President Judge pursuant to Civil Rule 40(a).

(5) SPECIAL ASSIGNMENTS BY THE PRESIDENT JUDGE.

Individual causes or categories of causes may be assigned by the President Judge upon motion for good cause shown or *sua sponte* pursuant to Civil Rule 40(a). Examples of such causes or categories of causes are any case involving the same subject matter which is a material part of another proceeding pending before this

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Court, any case in which all the designated Judges of the County are recused, asbestos cases, environmental insurance coverage cases, class actions and summary proceedings for commercial disputes. Assignments by the President Judge may be made to Judges of other divisions, or counties, as deemed appropriate to relieve court congestion caused by unusual trial schedules, vacation schedules, rotation or any other circumstances affecting the effectiveness of the Court.

(6) **OTHER MISCELLANEOUS ASSIGNMENTS.** Other miscellaneous assignments are as follows:

- A. Applications for Permit to Carry Concealed Deadly Weapon: Resident Judges
- B. Involuntary Commitment Appeals and Fee Applications (INVC): Resident Judges or designee Judge
- C. Civil Contempts/Capias (MCON): Judge/Commissioner who issued show cause order/capias
- D. Failure to Appear for Jury Duty: Resident Judge or designee Judge
- E. Judgment Cases - Contested Matters: In New Castle County to a Civil Division Judge on Rotating Basis; In Kent/Sussex to Civil Office Judge.

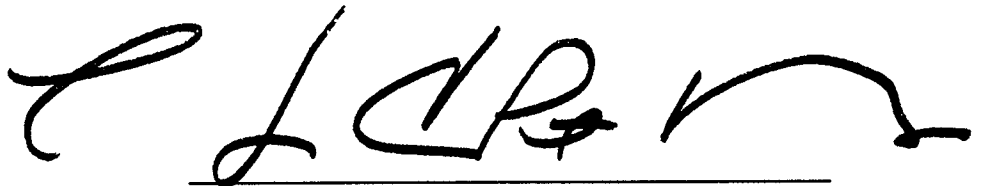
(7) **TRANSITIONAL PROCEDURES.** In New Castle County all pending civil causes subject to assignment filed before January 1, 1993 and not scheduled for trial in 1995 shall be individually assigned on a rotating basis by the Prothonotary among the Civil Division Judges. Causes presently set for trial after January 1, 1996 shall be assigned by the Prothonotary to Judges of the Civil

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Division available for trial during the week for which trial is scheduled. On November 1, 1995 all remaining pending civil causes shall be assigned by the Prothonotary on a rotating basis. Causes presently scheduled for trial in 1995 will not be assigned by the Prothonotary unless rescheduled for trial in 1996. All pending appeals will be assigned by the Prothonotary among the Judges of the Criminal Divisions on August 1, 1995.

In Kent and Sussex Counties on August 1, 1995, all pending civil causes subject to assignment and pending appeals filed before August 1, 1995 shall be individually assigned on a rotating basis by the Prothonotary among the Judges resident in each County.

(8) **MONTHLY REPORTS.** The Prothonotary shall provide each Judge with a monthly summary and analysis of assigned case activity by the 10th of each month.



President Judge

oc: Prothonotaries
pc: Superior Court Judges
Superior Court Commissioners
Court Administrator
Case Scheduling Offices
Law Libraries
File