

State of the Judiciary
Chief Justice E. Norman Veasey, Delaware Supreme Court
Message to the Legislature
May 7, 1998

Thank you, Mr. Speaker. Governor Carper, Senator Bair. Members of the House, Members of the Senate, Members of the Judiciary, Attorney General Brady, Stephany and her family if they're still here and citizens of the State of Delaware. I am Norman Veasey and I have the high honor to be the Chief Justice of the Supreme Court of Delaware and I have the high honor to speak to you today on the State of the Judiciary which is excellent and I think many people have concluded and it's been said here in this Chamber and elsewhere that we have one of the best judiciaries if not the best judiciaries in the nation. And I think that our gratitude for that begins with the delegates to the 1897 convention who met here in Dover from late 1896 to mid-1897 and developed our Constitution, the centennial of which we celebrated last year. Those courageous delegates did many things but one thing they did was establish a judicial selection system for Delaware which you all know about: 12-year terms, appointment by the Governor, confirmation by the Senate and a bipartisan judiciary. And that latter feature is unique in this country. At the same time, the Constitution authorized a corporation law and shortly after the Constitution was adopted the corporation statute was adopted. And the confluence of the judicial selection system and the corporation law have greatly benefitted Delaware ever since. In the past six years that I've had the honor to serve as Chief Justice of Delaware and a member of the Conference of Chief Justices, I have had the opportunity to compare judicial selection systems around the country and, without denigrating any of my colleagues in the Conference of Chief Justice, I think that our system for selecting judges is perhaps the most stable in the nation.

Delaware's experience of depoliticizing the judiciary tends to attract people of high quality and people of scholarship who want to serve as judges and who want to serve the citizens and to do a fair job. That's the central reason, I think, why Delaware has 300,000 corporations, why we have half of the Fortune 500, why we have half of the New York stock exchange. It's that reason, it is the outstanding work of this General Assembly in passing over the years progressive legislation and it is also true because of the outstanding service of the Secretary of State's office. I see the Secretary of State is here and other members of the cabinet and I appreciate their being here. The Secretary of State has done an outstanding job in servicing the corporation of the State of Delaware. We need no more impressive testimony of what you all have done and what the judiciary has done to enhance the State of Delaware than some of the proxy statements that corporations have used to tell their stockholders that they ought to vote to reincorporate in Delaware.

Hewlett-Packard, one of the largest companies in the United States, just reincorporated in Delaware and they told their stockholders earlier this year the following: The prominence and predictability of Delaware corporate law provides a reliable foundation on which the company's corporate governance decisions can be based and the company believes shareholders will benefit from the responsiveness of the Delaware corporate law to their needs. Both the legislature and the courts have demonstrated an ability and a willingness to act quickly and effectively to meet changing business needs. The Delaware courts have developed

considerable expertise in dealing with corporate issues and a substantial body of case law. Shareholders will benefit from the well- established principals of corporate governance.

But it's not only in corporation and business litigation that the Delaware judiciary excels. Our courts have the capability to handle expertly the cases where most Delaware citizens experience our courts: family disputes, criminal prosecutions, accident cases, employment disputes to name a few. In some of these areas our court procedures work extremely well and in others they need study and improvement, and aggressive steps are underway to address those needs. For example, a young mother fighting for custody of her child and child support from an irresponsible father or an elderly gentleman who's a victim of crime are not particularly interested in the fact that the Delaware courts are, to some large extent, responsible for producing about 20% of the state's revenue because of the corporation law.

What these citizens expect and what these citizens deserve is a fair and effective judiciary and that's a matter of immediate concern to me and my colleagues in the judiciary. It's the job of the judicial branch to build trust and confidence in the judiciary at all levels and in all cases. We have to strive to address the four areas that are set out in the nationally recognized Trial Court Performance Standards: access to justice, timeliness and efficiency; equality, fairness and integrity and independence and accountability. Because of our excellent judicial selection process and the expertise and the work ethic of our judicial officers and staff and the extraordinary cooperation among the three branches of government, we should be the best in the nation in all of these areas. We're not yet at that destination but it's our goal to be a model for the nation in judicial administration over the next few years.

Now one handicap that our citizens have suffered under is the overcrowded and antiquated courthouse facilities. We know that courthouse facilities, particularly in New Castle County, are antiquated and overcrowded and unsafe and our citizens have suffered from that. Now, however, there is a light at the end of the tunnel thanks to you. Thanks to the wisdom and the foresight and the courage of the Governor and the Members of the General Assembly, we have every expectation that a new state-of-the-art courthouse in New Castle County will soon become a reality. I don't take that for granted. That was a lot of work a lot of discussion and it hasn't happened yet. But we have every hope that it will happen, and I want to thank you on behalf of the judiciary for what you've done so far to step up to the plate. We're deeply grateful to the Members of the General Assembly and to the Governor for your support.

It's a Delaware tradition that the three branches pull together with mutual respect and interdependence when it comes to the service of the judicial branch to the citizens of Delaware. It is important that this courthouse project move forward rapidly so that it's completed by the advent of the millennium. It should be not only a modern and safe facility needed to address what is necessary at the beginning of the new century, but it needs to be designed to last well into the century for the inevitable future needs. This is the very responsible approach that's being taken by the executive committee that you set up in last year's Bond Bill. They're moving forward with the expert help of Judicial Planning Associates and their colleagues who are already well underway in documenting these needs and what needs to be done.

And I believe that all three branches of government also have the courage and have the wisdom

to give serious consideration, and I don't take that for granted either, to acquire the property on the Circle in Georgetown that has recently become available. It is undeniable, I think, that this property is vitally needed for our nationally respected Court of Chancery to take it from conducting judicial business in unsatisfactory conditions to dignified facilities befitting the national importance of the work of that court and the importance to the citizens of Delaware. It is not for the convenience of judges that these courthouses are necessary. It is for the convenience, comfort and safety of our citizens whether they be victims or jurors or witnesses or litigants or staff or whoever they happen to be. This is why we appreciate very much the serious consideration being given by the General Assembly to these new facilities.

There's another light at the end of the tunnel and that has to do with technology. We strive to be one of the most modern systems in the Country. Delaware's a microcosm in many ways and we're a laboratory. We should be the best. We're small enough and we're good enough to be the very best in judicial administration. We have not always had the best and most businesslike approach to technology. We have burdensome and highly complex cases, and we have to find the best possible way to handle it. We are very fortunate in Delaware now that we have a technology and management expert as the new head of our director of the Administrative Office of the Courts and I'd like to introduce him to you. He's Larry Webster. He's right over here and I think many of you have met Larry. Larry comes to us directly from the National Center for State Courts where he was executive director of court technology programs. He went around the county and around the world serving state courts to make them modern. He has already analyzed the Delaware Court situation which he did last year, and we are in process of implementing many of his recommendations. But beyond his technology expertise, Larry is a broad-gauged leader who will assist the Chief Justice and the judiciary in designing and implementing the finest available improvements and innovations throughout the system. We're embarking on the most exciting chapter in the history of the Delaware judiciary. These improvements and the advanced facilities the legislative and executive branches have provided and are providing will help us make a difference in the lives of citizens.

Excellence in judicial management calls for vision, creativity and analysis in working out ways to deal with the complexity of litigation not just the mere numbers but the complexity is getting more and more complex every day. My objective in the next six years that I have as Chief Justice, and it is 6 years I hope, God willing, is to make every progressive administrative enhancement of the judicial branch as a whole while maintaining appropriate autonomy of trial courts my goal and improving the excellent quality of our judicial decisions and efficient case management. It is only when a court system is functioning well and understood and trusted by the citizens that it has the necessary respect of the citizens. Courts do not have taxing power or law-making power that you do. Courts do not have executive power and police power that the executive branch has. Courts have to rely on trust and confidence of the citizens and trust and confidence of you, the other two branches of government. That requires information being given from the courts and it requires the courts to be sensitive to the input of the citizens and the General Assembly.

We're already embarking on a very progressive program of education but with the help of the private community, the bar and the educational community, we are intensifying our efforts to

build trust and confidence through public education. We hope it'll be one of the most comprehensive in the country given Delaware's size. The State of Florida has a huge system going. I think we can't match them because they're 15 times the size of us in population, but we can match their creativity and we can match their ideas and we can again become a laboratory for the nation.

By the advent of the year 2004 when my term as Chief Justice will expire, we will have seen enormous changes including an entirely new world of technology and court management protocols. We've already seen dramatic changes. We are not going to do business as usual and I know we're not, we don't plan to. We're going to make great progress. We have a lot of items that are currently underway, and time and space do not permit me to develop all those in detail for you. But let me just name a few. We have expanding videoconferencing capability, we have improved our nationally attractive business court procedures, we have innovative drug courts which are working well in Delaware, domestic violence initiatives are well underway, the truancy court in the Justice of Peace Court is working well, we work every day to enhance victim's rights. We have strategic planning initiatives that are already well in progress. We're developing new internal operating procedures for the Family Court. We're using a broad-based blue-ribbon committee also to develop systems and protocols for determining the need for additional judicial officers to handle our burgeoning caseload. We're modernizing our jury procedures. We're using mediation and arbitration increasingly as ways to resolve disputes instead of having to go to court.

We're using systematic methods of educating people who want to represent themselves in court through videos and other educational methods because that's becoming more and more a phenomenon of the present and will be in the future. We have racial, ethnic and gender sensitivity programs to improve fairness in our courts in all respects. We have more sophisticated every day interpreting programs. We are also a model for the nation, and we're going to be better, in the area of ethics and professionalism of lawyers all around the country. Well, these are some of the initiatives that the judicial branch is doing on its own. There are improvements beyond these that need the help of the General Assembly and the Governor and thanks to the support of the Governor and the General Assembly and the City of Wilmington, the Municipal Court is already a part of the State system, and we celebrated that the other day. That's a great accomplishment and it's now integrated with the Court of Common Pleas and the Justice of the Peace Courts and that's going forward.

We hope the General Assembly will consider favorable treatment of our budget, our capital and operating budget request, will authorize two new judges for the Superior Court and will favorably consider the second leg of a Constitutional amendment making the Family court and the Court of Common Pleas constitutional Courts. This is just 15 minutes of my vision and the judiciary's vision for where we need to go in Delaware but most of all for a better tomorrow, we need your help, and we thank you very much for the help you've given to us in the past.