

UNITED STATES DISTRICT COURT DISTRICT OF DELAWARE



ANNUAL REPORT 2015



**J. CALEB BOGGS FEDERAL BUILDING
844 NORTH KING STREET
WILMINGTON, DE 19801**



**ANNUAL REPORT
OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF DELAWARE
TO THE
FEDERAL BAR ASSOCIATION
2015**

THIS REPORT WAS PRODUCED BY THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE
J. CALEB BOGGS FEDERAL BUILDING
844 NORTH KING STREET
WILMINGTON, DELAWARE 19801

TABLE OF CONTENTS

Introduction	Page 2
District Judges	Page 4
Bankruptcy Judges	Page 5
Clerk's Office	Page 6
Civil & Criminal Filings	Page 7
Civil Case Filings	Page 8
Patent Case Filings	Page 10
Juror Services	Page 12
Naturalization	Page 13
U.S. Bankruptcy Court	Page 14
Bankruptcy Court Case Statistics	Page 15
Re-Entry Court	Page 17
Delaware Chapter of the Federal Bar Association	Page 18

Statistics for this report are generally based on the fiscal year from Oct. 1 through Sept. 30, compiled from:

Office of Judges Programs, Statistics Division, Administrative Office of the United States Courts. *1970 - 2014 (inclusive) Annual Report of the Director: Judicial Business of the United States Courts*. Washington, D.C.: U.S. Government Printing Office, 1970 - 2015.

Office of Judges Programs, Statistics Division, Administrative Office of the United States Courts. *1970 - 2014 (inclusive) Federal Court Management Statistics*. Washington, D.C.: U.S. Government Printing Office, 1970 - 2015.

Photographs by:

Eric Crossan and John Simpkins

INTRODUCTION



It has been a great privilege to serve as Chief Judge of the U.S. District Court for the District of Delaware since July 1, 2014. I am especially pleased to report that it has been another busy, successful year for the Court.

A great deal has been accomplished by the Court and the federal legal community in Delaware in the time since Judge Sleet "passed the gavel" to me at the last annual meeting of the Federal Bar Association ("FBA"). I'll describe just some of the highlights here.

In October, the Court adopted a suggestion of Judge Robinson's and moved the filing deadline from midnight to 6:00 p.m. We hope this change will promote a healthier work-life balance for Delaware attorneys (as well as paralegals and other support staff), who previously had to remain at the office until the early morning hours to ensure that filings were timely. The feedback we have received has been strongly supportive of the change in the filing deadline.

This past spring the FBA sponsored the Court's fourth Federal Trial Practice Seminar ("FTPS"). As with all of its predecessor incarnations, this year's FTPS featured enlightening discussions led by nationally prominent trial lawyers and the active involvement of our District and Magistrate Judges. The lawyers who were selected to participate in the FTPS honed their trial skills over several months and demonstrated what they had learned in mock trials, in front of real jurors and presided over by our Court's Judges.

One of the most enjoyable experiences of the past year was the District of Delaware's Inaugural Bench and Bar Conference. We welcomed approximately two dozen federal judges and nearly 250 attorneys from around the country. Over the course of two days in May, a series of informative and interesting panels addressed topics like alternative dispute resolution, cybersecurity, discovery, sentencing, ethics, and a range of intellectual property issues. There were also lots of opportunities for socializing, most especially the cocktail party, dinner, and garden tours on a perfect, clear night at Wintethur.

The reaction to our Inaugural Bench and Bar was so overwhelming that we have decided to take on the challenge once again! I am pleased to announce that the Second District of Delaware Bench and Bar Conference will be held on May 19-20, 2016. Our unofficial theme is "bigger and better." To that end, we will be adding a bankruptcy component to the program (while also retaining the intellectual property and criminal tracks), and we look forward to having our Bankruptcy Judge colleagues and bankruptcy bar join us. Given the larger size of the event, we will be holding the

Conference at the Chase Center on the Riverfront. Look for more details in the coming months.

After next year, we anticipate that the Bench and Bar Conference will become an every-other-year event, like the FTPS. But we'll do these two major events in alternating years: the Bench and Bar in even-numbered years and the FTPS in odd-numbered years. (Looking back, I am equal parts proud and amazed that we managed to put on the Bench and Bar and the FTPS at the same time. Thank you again to our extremely active planning committees and the leadership of the FBA.)

As I announced at the Bench and Bar, we have reconstituted our Lawyers Advisory Committee, which is chaired by Colm Connolly. The Committee has been studying our Local Civil Rules, with a focus on the rules relating to imposition of reciprocal discipline when a member of our Bar is disciplined by another Bar of which he or she is also a member. At my request, the Committee is also exploring issues relating to the role of Delaware counsel. In addition, the Committee has helped us assist the Administrative Office of the Courts with its production of a video aimed at educating legislators on the need for new judgeships in District Courts handling extremely high caseloads, including Delaware.

We are still hoping Congress will create a fifth judgeship for the District of Delaware – and we still have plenty of work another Judge could do. While the number of new filings was down over the past year, we still have an enormous – and complex – caseload. Over the 12 months ending August 31, 2015, there were 1223 civil cases and 66 criminal cases filed in the District of Delaware. Of these, 602 were patent cases. This means, even as patent filings here have declined, each of our four District Judges received 150 new patent cases over that 12 month period. During that same time, the average District Judge throughout the country received only 8 new patent cases. Out of 94 District Courts, we have the third highest weighted caseload, with 1175 cases per District Judge.

In closing, I want again to thank Judge Sleet for "passing" on to me a Court that was in such good shape. And I want to thank all of my colleagues, as well as our Clerk of Court, John Cerino, and the excellent staff he has put together in the Clerk's Office, for all the assistance and wisdom they have provided me as I have learned how to be a Chief Judge. I look forward to continuing to serve the Court in this capacity.

Leonard P. Stark
Chief Judge

DISTRICT COURT JUDGES



Magistrate Judge Christopher J. Burke, Judge Richard G. Andrews, Judge Sue L. Robinson, Chief Judge Leonard P. Stark, Judge Gregory M. Sleet, Chief Magistrate Judge Mary Pat Thyng, Magistrate Judge Sherry R. Fallon

BANKRUPTCY JUDGES



Seated: Judge Kevin J. Carey, Chief Judge Brendan Linehan Shannon, Judge Mary F. Walrath.

Standing: Judge Kevin Gross, Judge Christopher S. Sontchi, Judge Laurie Selber Silverstein.

CLERK'S OFFICE

The District of Delaware experienced a drop in civil filings for the first time in six years from a record-breaking year in 2013. In 2014 the court experienced an approximate 25% decrease in overall case filings. The court, however, continues to have the highest patent caseload per judge and the third highest weighted caseload in the country. Even though the caseload has decreased the court continues to be extremely busy and in need of assistance. Nationally for 2014, the average Intellectual Property (IP) Caseload, which consists of patent, copyright and trademark cases, was 19.5 cases per judge. In Delaware it was 263.5 cases per judge. As a percent of total filings, IP cases in 2014 made up 61.6% of the total caseload in Delaware; nationally it was 4.5%. That is over 13 times higher than the national average in both instances. This is not an aberration, rather it is the continued reality of the caseload in Delaware.



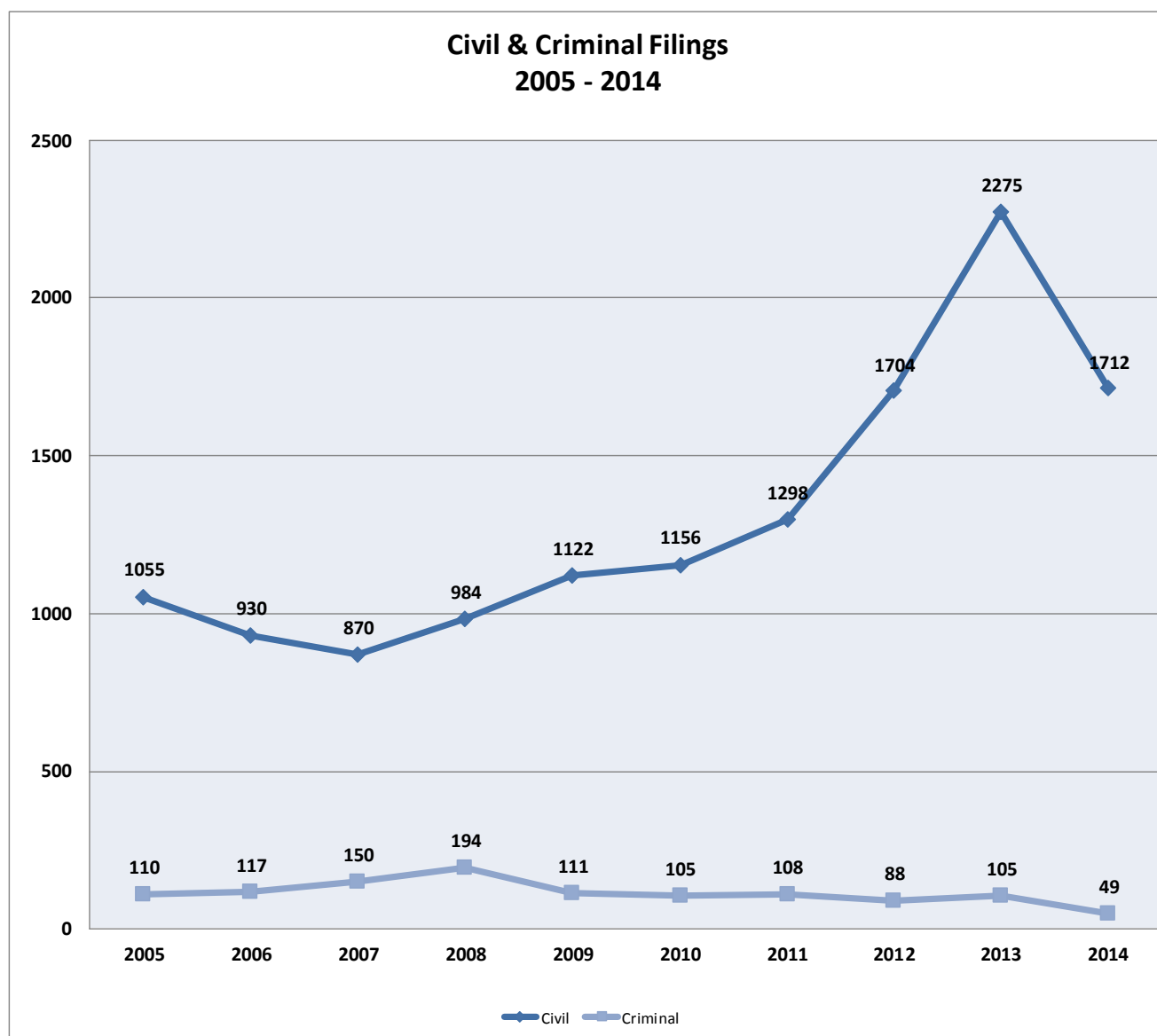
In an effort to provide enhanced service to the bar, the District Court opened an Attorney Lounge designed with a large meeting/multi-purpose room and two smaller meeting rooms. The lounge is open to all members of the bar and is available for reservation. We have also expanded wireless service in the courthouse and are currently upgrading our courtroom technology mobile equipment. Additionally, we were very pleased to finish a major renovation project in courtroom 4B which includes state-of-the-art courtroom technology.

The Clerk's Office is here to assist you in your work with the court. Please feel free to contact me or any of the staff of the office with any comments, suggestions or recommendations. We welcome your input.

John A. Cerino
Clerk of Court

CIVIL AND CRIMINAL FILINGS

The following graph shows civil and criminal filing trends from 2005 to 2014. Civil case filings made a significant drop in 2014 for the first time in seven years. In 2014, 1,712 civil cases were filed, a 24.75% decrease from the previous year of 2,275 cases filed, which was the highest number of civil cases ever filed in the district. Criminal case filings also fell from 105 in 2013 to 49 in 2014, a 47% decrease.

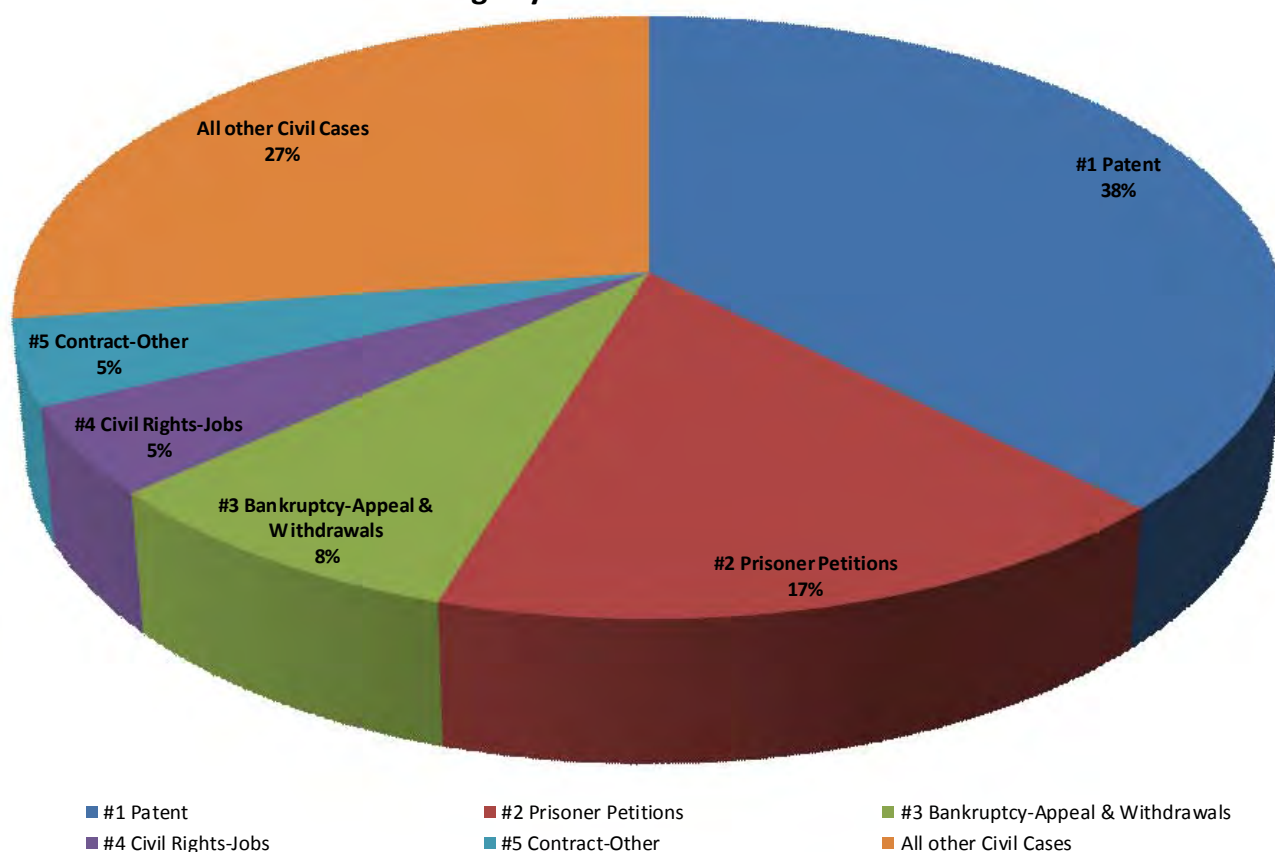


CIVIL CASE FILINGS

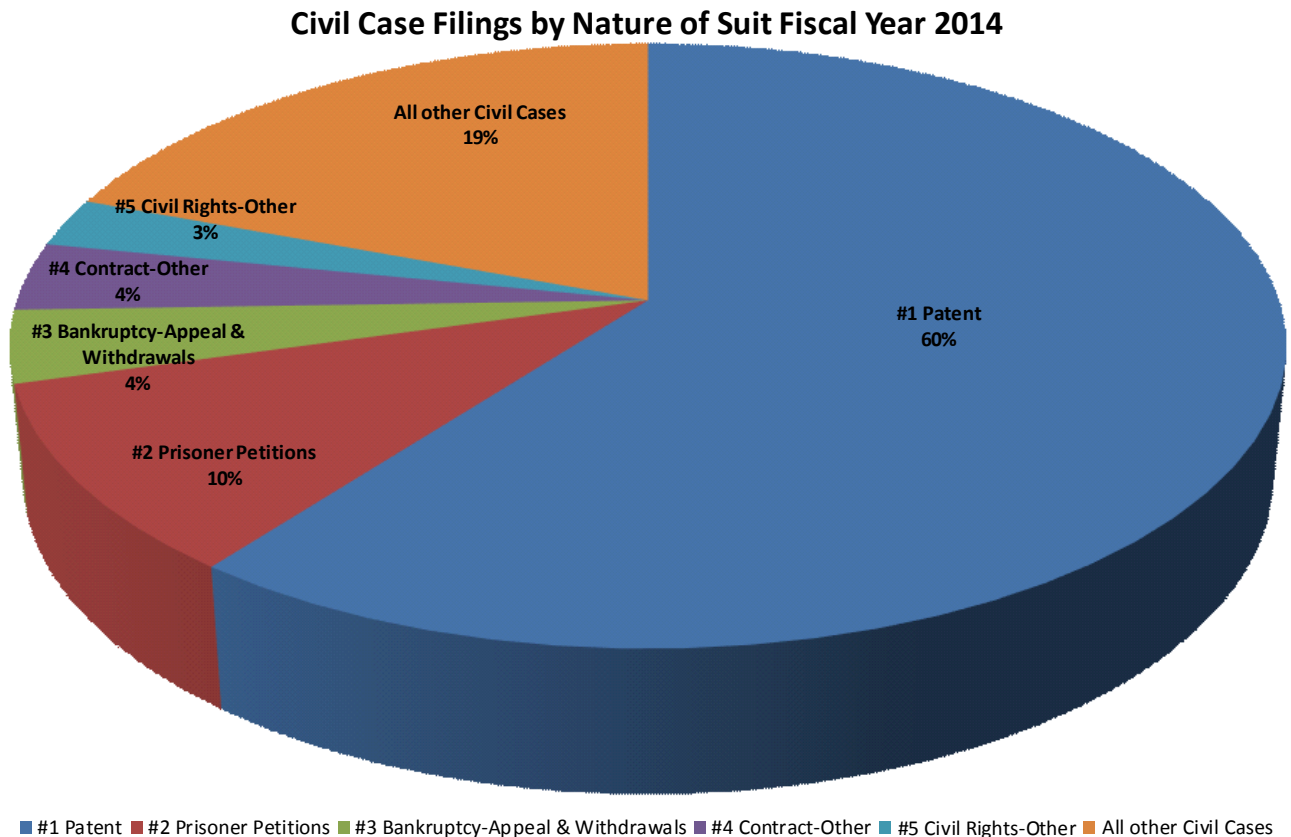
The two graphs that follow represent the types of civil cases filed in the District since 2005, characterized by nature of suit. From decade to decade, the six top categories generally remain the same, but the percentage of total civil filings within those categories has changed. The high percentage of patent litigation continues to dominate the Court's caseload.

The first graph displays the cumulative caseload average covering the years from 2005 through 2014. Patent cases account for 38% of civil filings, Prisoner Petitions 17%, Bankruptcy-related cases 8%, Civil Rights-Employment 5% and Other Contract Cases 5%. All Other Civil Cases accounted for 27% of the civil filings.

Civil Case Filings by Nature of Suit Fiscal Year 2005-2014



The second graph displays total civil filings for 2014 by nature of suit. Patent cases account for 60% of civil filings, Prisoner Petitions 10%, Bankruptcy-related cases 4%, Civil Rights-Employment 3%, and Other Contract Cases 4%, and All Other Civil cases 19%.

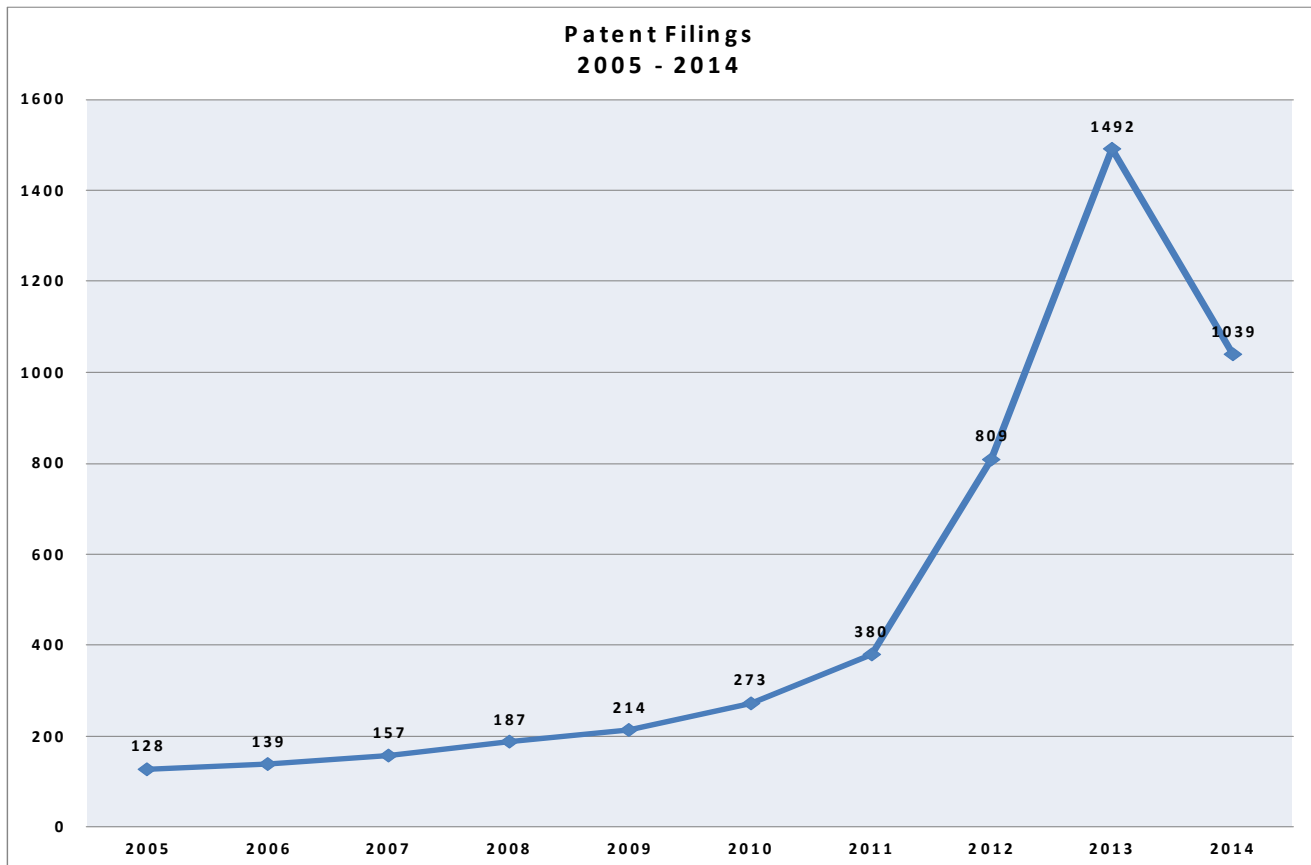


PATENT CASE FILINGS

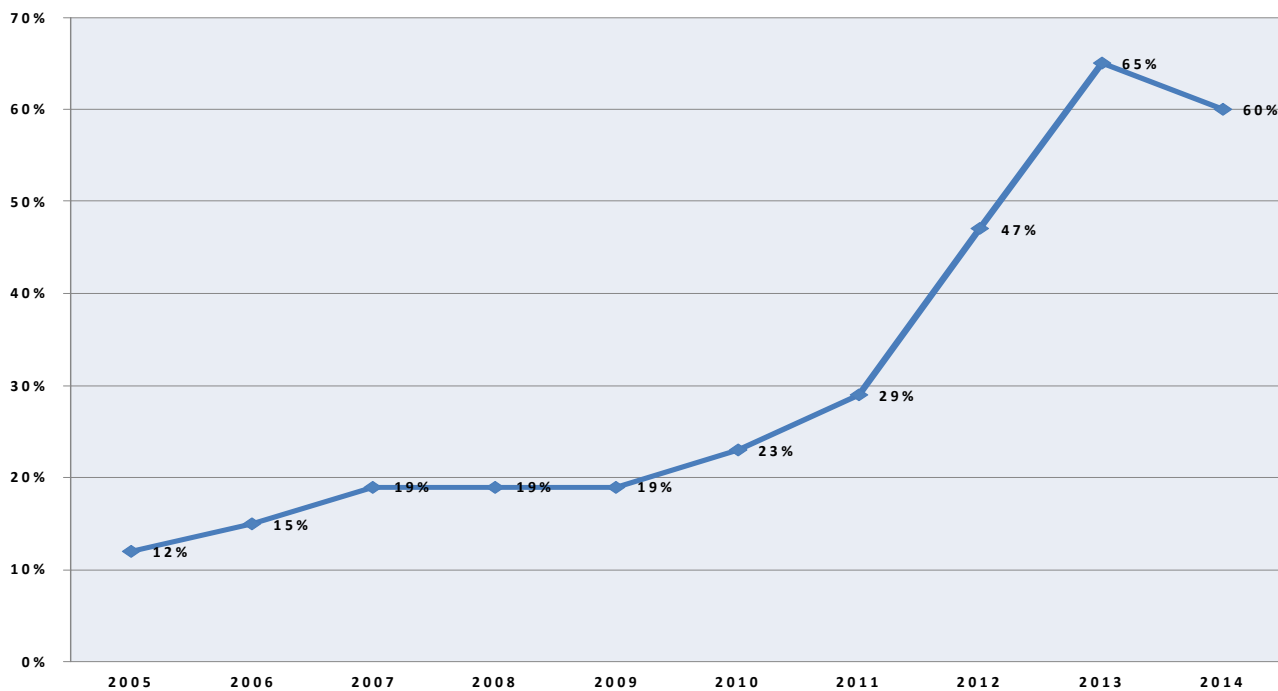
Patent filings continue to be a substantial part of the District Court's caseload. The first graph details the annual number of filings during the period from 2005-2014. In 2014, 1039 patent cases were filed, approximately a 30% decrease from the highest number ever filed in the District Court of Delaware in 2013 (1492 cases).

The second graph shows the decrease of patent filings as a percentage of total caseload, which dropped 5% from 65% in 2013 to 60% in 2014.

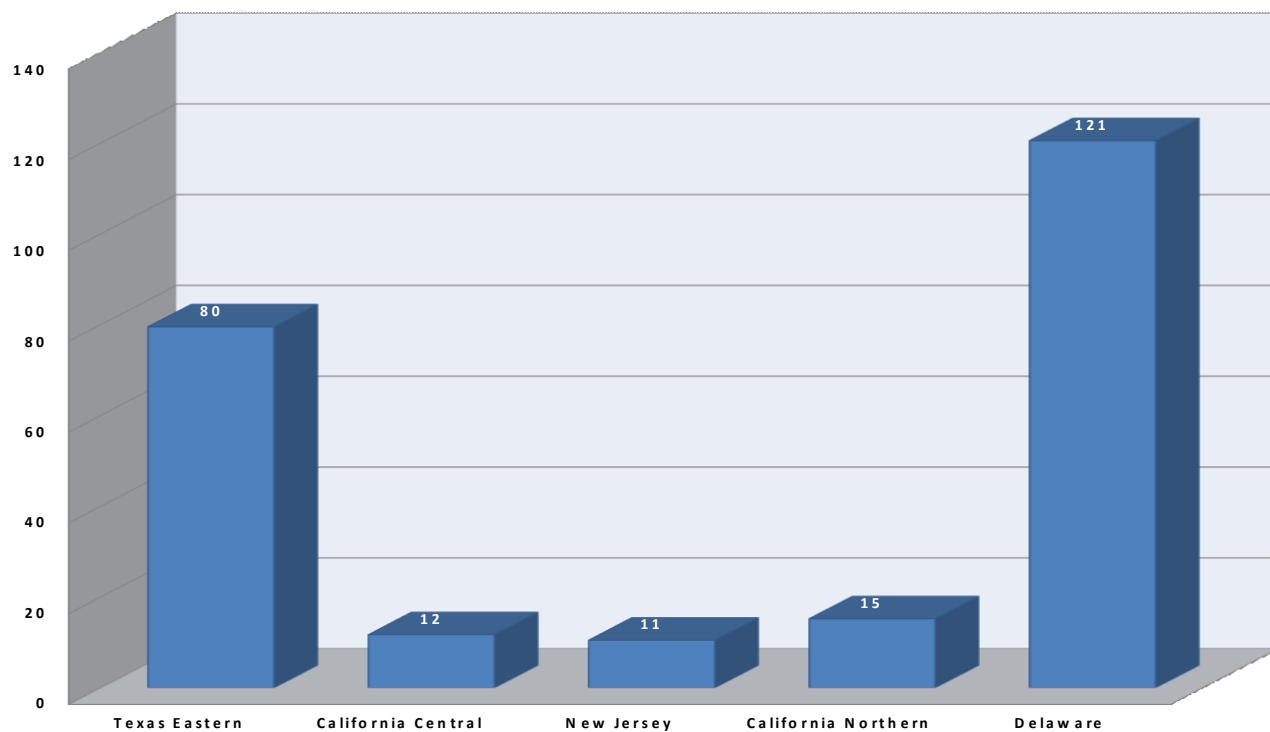
For the past decade, Delaware has ranked in the top six district courts for patent filings in the nation. The third graph compares the results of these trends from 2005 to 2014 on a national level. During those years, Delaware averaged 121 patent cases filed per authorized judgeship. In more recent years patent filings per judgeship have been steadily rising in Delaware, from 68 per authorized judgeship in 2010 to 95 per authorized judgeship in 2011 and 202 per authorized judgeship in 2012. In 2014, Delaware averaged 260 patent filings per authorized judgeship. That is approximately 43% higher than the next highest patent filings per authorized judgeship in the country.



**Patent Filings as a
Percentage of Civil Caseload
2005-2014**



Average Patent Cases Per Judgeship 2005 - 2014

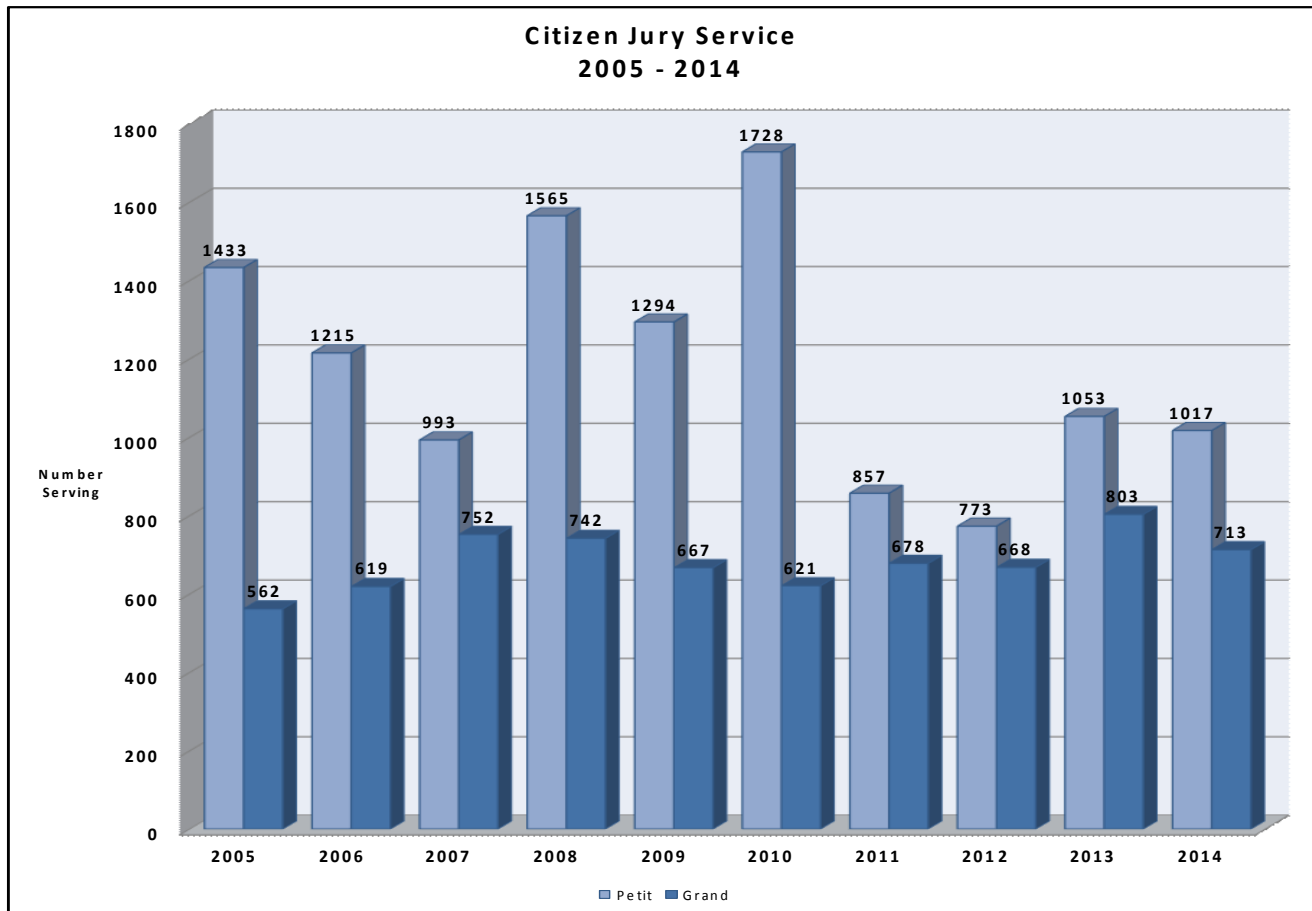


JUROR SERVICES

Summoning citizens for jury duty is an important function of the Clerk's Office. The number of jurors requested varies due to the nature and length of a trial. The selection of petit and grand jurors is authorized by the revised Jury Plan (Amended 2009), which may be found on the District Court's website. Prospective jurors are drawn randomly from a merged database of names of all registered voters, licensed drivers and individuals issued a State of Delaware identification card.

In 2014, Delaware was 8.8 points below the national average of 36.8% of jurors not selected, serving or challenged on the first day of jury service. Delaware's rate of 28.0% reflects an efficient utilization of the citizens summoned. Information and frequently asked questions about jury service can be found on the Court's website.

During 2014, the total number of citizens that reported for petit jury duty was 1,017, compared to 2013, when 1053 reported. Service on grand juries decreased slightly in 2014 to 713 citizens reported compared to 2013, when 803 citizens reported for service.

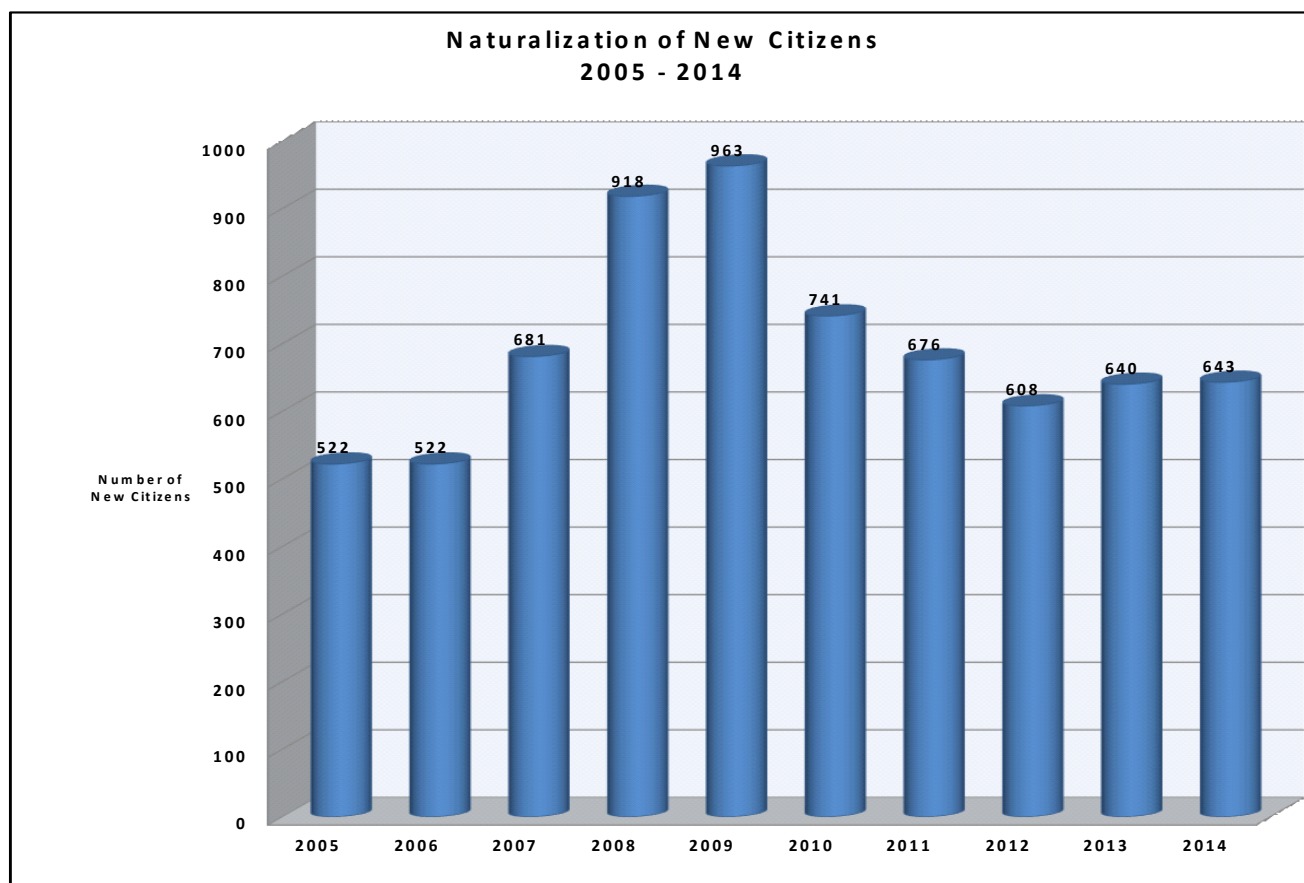


NATURALIZATION

The Judges of the District Court of Delaware view the naturalization of new citizens as an important and rewarding duty. In 2014, a total of 643 new citizens were naturalized compared to 640 new citizens in the previous year.

The United States Bureau of Citizenship and Immigration Service is responsible for preparing and processing the file for each new citizen. The District Court is responsible for conducting naturalization ceremonies, during which the Oath of Allegiance is administered. Since September 1993, Magistrate Judges have joined the District Judges in presiding over these ceremonies. In 2006, Bankruptcy Judges also began presiding over naturalization ceremonies.

Naturalization ceremonies are held eight times a year, at least one of which is at the University of Delaware. In 2014, 375 new citizens participated in the ceremony at the University of Delaware. Among the private organizations that have assisted with the ceremonies are the American Legion, the Colonial Dames of America, the League of Women Voters and the Service for the Foreign Born.



U. S. BANKRUPTCY COURT



As a result of Bankruptcy Amendments and the Federal Judgeship Act of 1984, 28 U.S.C. § 157 (a) was amended to provide that each District Court could refer all Title 11 cases to a Bankruptcy Judge. On July 23, 1984, the United States District Court issued a Standing Order referring all cases under Title 11 to a U.S. Bankruptcy Judge.

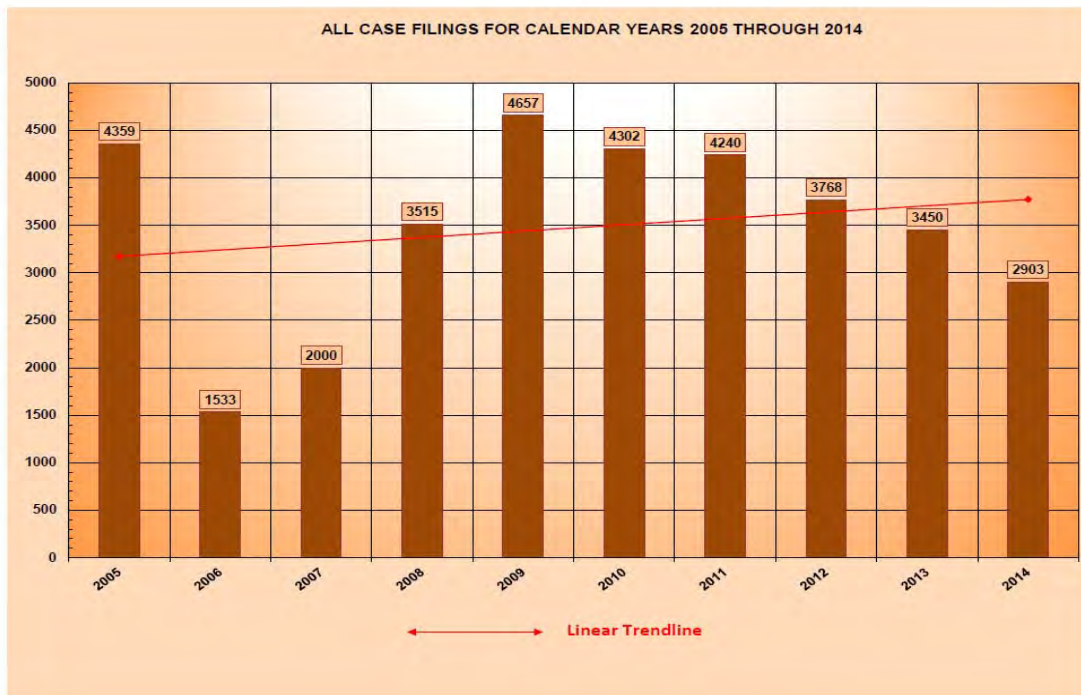
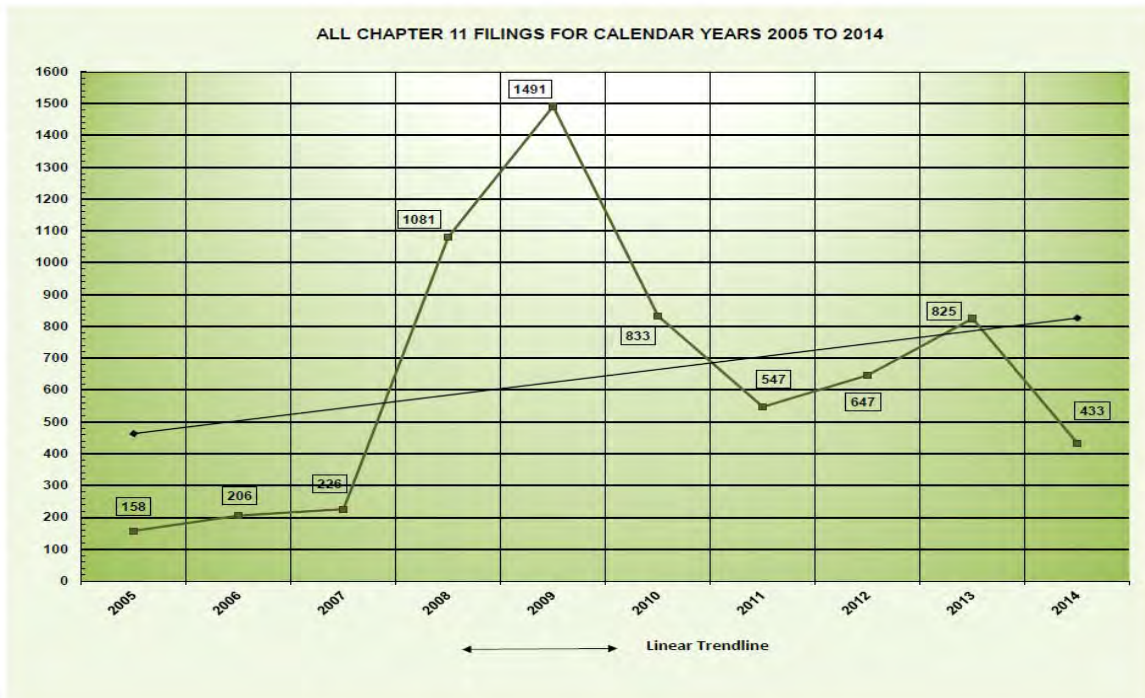
On July 23, 2004, the District Court established a panel to mediate appeals from the Bankruptcy Court to the District Court.

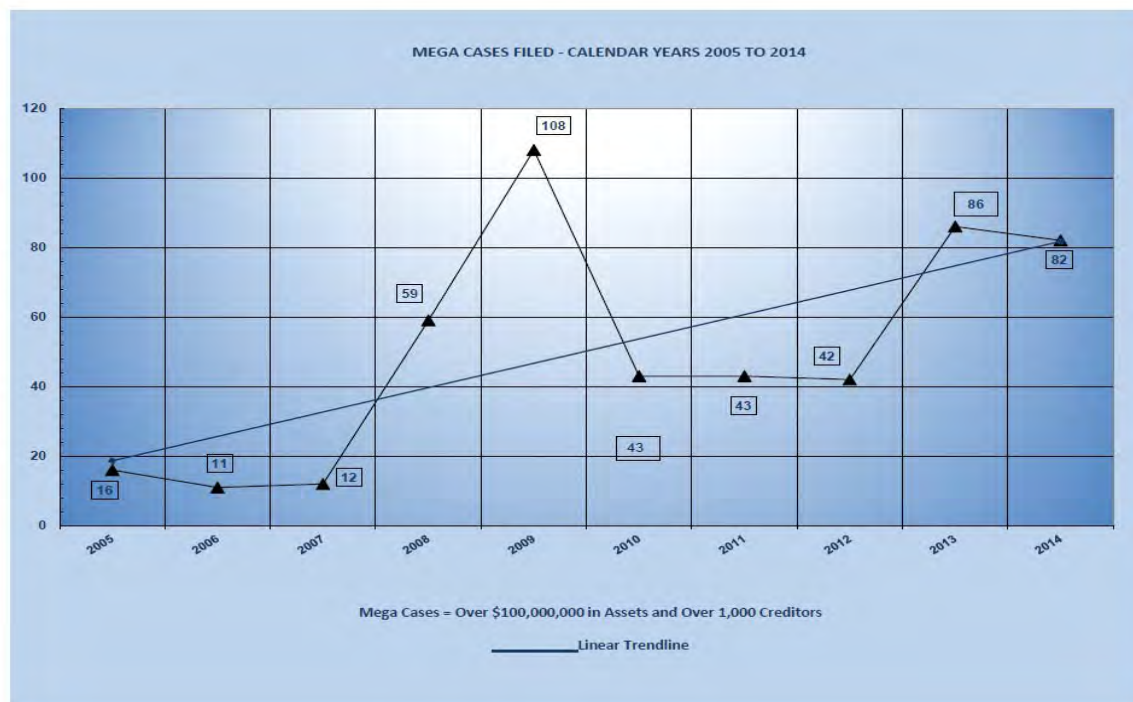
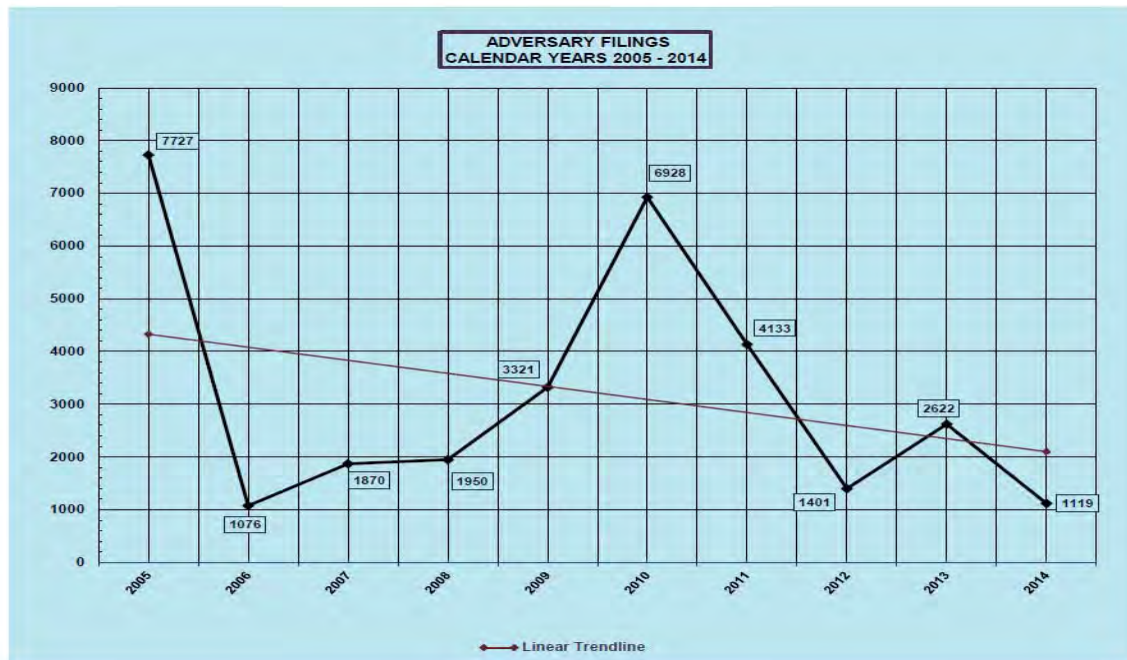
The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) added four Bankruptcy Judges to the Bankruptcy Court for the District of Delaware for a total of six judges. The District of Delaware has historically been one of the largest Chapter 11 filing Districts in the country and usually leads in the number of “mega” cases filed (cases with more than \$100 million in assets and more than 1,000 creditors). The Bankruptcy Court has the highest caseload per judge in the country. In addition to case filings, litigation within these cases, which usually take the form of Adversary Proceedings, has remained at a high level compared to other bankruptcy courts.

In December 2014, Judge Peter J. Walsh retired from the Court after 22 years of service. Judge Laurie Selber Silverstein was chosen to replace him and was sworn in on January 7, 2015.

Brendan Linehan Shannon
Chief Bankruptcy Judge

BANKRUPTCY COURT STATISTICS





RE-ENTRY COURT

In September 2012, the District Court began a new initiative: the Re-entry Court for the United States District Court for the District of Delaware (“Re-entry Court”). The Re-entry Court is overseen by United States Magistrate Judge Christopher J. Burke, who is a part of a larger “Re-entry Team” comprised of representatives from the United States Probation Office, the United States Attorney's Office and the Office of the Federal Public Defender. Re-entry Court participants are selected from a pool of ex-offenders who are on supervised release in this District, and who: (1) present a higher risk of recidivism or of committing violent crimes; but (2) have indicated a strong desire to modify their future behavior so as to have a positive impact on their community.

Program participants report for a court session every two weeks, overseen by Judge Burke. During these sessions, and in the two-week intervals between the sessions, the Court: (1) instructs the Probation Office to provide the participants with enhanced access to various employment, counseling, mentoring and skill-training services; (2) assesses sanctions for non-compliant participant behavior when necessary; and (3) otherwise closely monitors the participants' re-entry process. If a participant successfully completes the two-week term between Re-entry Court sessions without violation of their supervised release terms or of other of the Magistrate Judge's orders, then the participant receives two weeks worth of credit towards participation in the program. Once a participant successfully completes 52 weeks of compliant participation in the program, they may petition the District Court for a one-year reduction in their remaining supervised release term.

Since the Re-entry Court's inception, none of its participants has been re-arrested for a criminal offense during their participation in the program. Of the current group of five participants, all are either employed, or are actively seeking employment. Many have taken advantage of additional counseling services, drug treatment programs, legal assistance programs, and other opportunities made available to them in order to assist in their re-entry. In 2015, the program also added a new “Each One Teach One” (“E1T1”) component. Every two weeks, all of the Re-entry Court participants meet for an E1T1 session with a group facilitator; in those sessions, the participants engage in a roundtable discussion, sharing their re-entry experiences with the group.

The next Re-entry Court graduation ceremony is scheduled for November 18, 2015 in Courtroom 2A at 4:30 p.m. It is open to the public.

THE DELAWARE CHAPTER OF THE FEDERAL BAR ASSOCIATION

The Delaware Chapter of the Federal Bar Association (the “Delaware Chapter”) is the preeminent bar association for attorneys who practice in the United States Court for the District of Delaware. We serve the Bench and Bar by providing high-quality educational programs and by acting as a liaison between the Court and federal practitioners.

Thanks to the active participation of our members and the Court, the Delaware Chapter has enjoyed a busy and successful period since our last Annual Luncheon. As set forth below, we presented a CLE program at the FBA National Convention in Providence, Rhode Island; co-hosted a retirement dinner for Hon. Peter J. Walsh; offered our biennial Federal Trial Practice Seminar; and launched our inaugural District Bench and Bar Conference. The specific programs that we offered over the past year included the following:

- On September 5, 2014, the Delaware Chapter presented a panel program at the FBA’s Annual Meeting in Providence, Rhode Island. The program, which was entitled “Preparing Younger Lawyers to Try Federal Cases: The Delaware Chapter’s Trial Practice Seminar,” provided an overview of this one-of-a-kind program developed by the FBA and the District Court. Program panelists included Hon. Christopher J. Burke, Hon. Joseph J. Farnan, Jr. (ret.), First Assistant United States Attorney David C. Weiss, and Assistant United States Attorney Jennifer L. Hall. The panelists discussed the genesis of the program, the program’s intensive eight-week format, the Court’s success in recruiting nationally-renowned speakers to participate, and the positive benefits of program participation. The panelists also unveiled video clips of prior sessions, as well as interviews with program participants and members of the Court, to illustrate how the program has had a positive impact on younger lawyers in the district.
- In October 2014, the Federal Probation Office for the District of Delaware partnered with FBA Member Charlene Davis (Bayard, P.A.) and Widener University Delaware School of Law to institute the Federal Re-entry Legal Assistance Program, which is intended to provide persons who are released from federal prisons into the supervision of the Probation Office with legal assistance in civil matters that are challenging their successful reentry into the community. Under the program, Widener Law students act as legal interns in the Probation Office. They interview potential clients and provide comprehensive outlines of the legal issues confronting the interviewees to Ms. Davis, who acts as supervising attorney for the Program. Ms. Davis reviews the material and assigns a volunteer attorney to the matter. To date, legal services have been or continue to be provided to a number of releasees in connection with matters involving applications for social security disability benefits, family law issues, and driving privileges suspensions.
- On November 19, 2014, the Delaware Chapter, in conjunction with the Delaware

State Bar Association, held a retirement dinner on behalf of United States Bankruptcy Judge Peter J. Walsh. Approximately 360 guests were treated to a dinner and program, hosted by Chief United States Bankruptcy Judge Brendan L. Shannon, which celebrated Judge Walsh's distinguished career. The event was highlighted by a video presentation that featured biographical information about Judge Walsh and his career, and which included interviews with his judicial colleagues and distinguished bankruptcy practitioners. Chief United States District Judge Leonard P. Stark offered congratulatory remarks on behalf of the District Court, and keynote addresses were provided by Judge Walsh's son, Peter, and United States Circuit Judge Thomas L. Ambro.

- On Thursday, January 15, 2015, the FBA hosted a program for new admittees to the District Court entitled: "Introduction to Practice in the District Court of Delaware." The program, presented by Hon. Christopher J. Burke and FBA New Members Chair Beth Moskow-Schnoll, provided helpful advice for new members of the Delaware Bar preparing to practice in the District Court. The program was followed by the District Court's annual Admissions Ceremony. Chief United States District Judge Leonard P. Stark provided remarks on behalf of the Court, and United States District Judge Sue L. Robinson presented approximately 45 new admittees with certificates of admission. Following the ceremony, the Court welcomed the new admittees with a reception in the Jury Assembly Room.
- During April and May 2015, the Delaware Chapter and the United States District Court sponsored the eight-week Federal Trial Practice Seminar, a biennial intensive trial advocacy program for lawyers with less than ten years of practice experience. This year's seminar participants, who were selected following an application process, included: Meghan A. Adams, Travis S. Hunter, Joseph B. Warden, Ethan H. Townsend, Katharine C. Lester, Ian R. Liston, Lauren Moak Russell, and Elizabeth Van Pelt. Seminar participants enjoyed lectures from nationally-renowned practitioners (including David Rudovsky, Jack Baughman, Dan K. Webb, and Stephen D. Susman) and took part in practical exercises, culminating in a day-long mock trial at the District Court. As always, seminar participants benefitted from the active participation of and helpful feedback from the members of the United States District Court and Seminar mentors, including Colm F. Connolly, Joseph J. Farnan, Jr., Douglas E. McCann, Maryellen Noreika, and David C. Weiss.
- On May 7-8, 2015, the Delaware Chapter and the United States District Court held our Inaugural Bench and Bar Conference at the Hotel DuPont. The Conference, which attracted in excess of 250 attendees, featured both educational and social events. Judges, leading practitioners, and legal scholars participated in panel discussions in a full-day, plenary session on Thursday, and in break-out sessions for intellectual property (co-sponsored by the Federal Circuit Bar Association) and criminal law on Friday. We were also treated to two keynote addresses, from Chief United States Circuit Judges Theodore A. McKee (Third Circuit) and Sharon Prost

(Federal Circuit), respectively. In addition to the educational programming, participants took part in lunches on Thursday and Friday at the Hotel DuPont, as well as a reception, garden tour, and dinner at Winterthur Museum and Gardens.

- In June and July 2015, the FBA partnered with the District Court to hold three special events for summer interns and externs from the Court and federal agencies. On June 30, 2015, the FBA hosted its annual intern/extern luncheon, which featured remarks by Hon. Christopher J. Burke and a video on the Federal Trial Practice Seminar. On July 14, 2015, the FBA hosted a professionalism luncheon and seminar at the Hotel DuPont, which featured a speaker on professional etiquette and a judicial panel consisting of United States Circuit Judge Kent A. Jordan; Chief United States District Judge Leonard P. Stark; United States Magistrate Judges Christopher J. Burke and Sherry R. Fallon; and United States Bankruptcy Judges Kevin Gross and Christopher S. Sontchi. Finally, on July 27, 2015, the FBA hosted a “Night at the Ballpark” for the interns and externs to enjoy the Wilmington Blue Rocks.

In recognition of our collective efforts over the past year, the Delaware Chapter received two major awards at the FBA National Convention this past month in Salt Lake City, Utah. First, we received the Presidential Excellence Award – the highest honor bestowed upon FBA chapters nationally. The award, reserved for only those chapters deemed to “have done a superior job” in 2014 and 2015, is a wonderful acknowledgement of our shared efforts in building one of the best bar associations in the country. Our Chapter also received a Newsletter Recognition Award for our publication, *THE DELAWARE RECORD*. Congratulations to Ken Dorsney, our Publications Chair, and his colleagues, Tasha Ford and Mollie Walsh, for their great work in publishing our newsletter!

Our outstanding year of programs and national recognition would not have been possible without the strong and sustained support that we have received from the District Court and the federal bar. We look forward to continuing our service to the federal legal community in Delaware over the upcoming year.

Respectfully,
Robert F. (“Rocky”) Kravetz, Esq.
President, Delaware Chapter of the Federal Bar Association

